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Criminal Original Petition No.5296 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.03.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Criminal Original Petition No.5296 of 2024

D.Ezhilarasi
W/o.Sekar

... Petitioner

Vs.

S.Periasamy
S/o.Sengodan

... Respondent

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure praying to permit the petitioner to compound the offence and set aside the judgment of the Judicial Magistrate, Fast Track Court, Omalur, in C.C.No.91 of 2013 dated 24.03.2014 confirmed by learned Sessions Judge, Salem, in CrI.Appeal No.55 of 2014, dated 31.03.2015 and hereby set aside the conviction and sentence in CrI.R.C.No.591 of 2015.

For Petitioner : Mr.S.Sridevi

ORDER

This Criminal Original Petition has been filed to compound the offence under Section 147 of the Negotiable Instruments Act on the ground of compromise between the parties.



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2. The petitioner was convicted for offence u/s.138 of the Negotiable Instruments Act by the learned Judicial Magistrate, Fast Track Court, Omalur, Salem, through judgment dated 24.03.2014. The trial Court imposed a sentence of six months simple imprisonment and to pay the cheque amount as compensation. This judgment was further confirmed in appeal in CrI.A.No.55 of 2014 by the III Additional District and Sessions Judge, Salem, by judgment dated 31.03.2015. It was modified by this Court in CrI.R.C.No.591 of 2015 by judgment dated 16.09.2021.

3. Pursuant to the above judgment, the petitioner was arrested and she is presently undergoing sentence at Special Prison for Women, Coimbatore. At this stage, the parties have entered into a compromise and the petitioner settled the entire amount to the respondent. Hence, this petition has been filed seeking for compounding the offence.

4. The respondent was present before this Court and he stated that he had received the entire amount from the petitioner and that he has no objection for compounding the offence.



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5. In the light of the above development, the offence is compounded under Section 147 of the Negotiable Instruments Act and the judgment passed by Judicial Magistrate, Fast Track Court, Omalur, Salem District, in C.C.No.91 of 2013, dated 24.03.2014 confirmed by learned District & Sessions Judge, Salem, in Crl.A.No.55 of 2014, dated 31.03.2015 and modified by this Court in Crl.R.C.No.591 of 2015, dated 16.09.2021, are hereby set aside. The petitioner is directed to be released from the prison forthwith.

In the result, this Criminal Original Petition is allowed.

05.03.2024

Speaking Order/Non-speaking Order

Index :Yes/No

Neutral citation: Yes/No

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To

To

- 1.The Judicial Magistrate,
Fast Track Court, Omalur, Salem District.
- 2.The District & Sessions Judge, Salem.
- 3.The Superintendent of Special Prison for
Women, Coimbatore.



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N.ANAND VENKATESH, J

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