

(2011) 03 MAD CK 0127

In the Madras High Court

Case No : Criminal R.C. No's. 29 and 30 of 2008 and M.P. No. 1 of 2011

P. Nanga Goundan

APPELLANT

Vs

P. Poovathal

RESPONDENT

Date of Decision : 19-03-2011

Acts Referred:

Negotiable Instruments Act, 1881 (NI) — Section 138, 147

Citation : (2011) 03 MAD CK 0127

Hon'ble Judges : R. Mala, J

Bench : Single Bench

Advocate : P. Jagadeesan, for the Appellant; S. Mani, for the Respondent

Final Decision : Allowed

Judgement

R. Mala, J.—The revision Petitioner herein is an accused in C.C. No. 152 of 2005 and C.C. No. 606 of 2005 on the file of the learned

Judicial Magistrate Court No. 2, Salem. In C.C. No. 606 of 2005, the Petitioner/accused stands convicted for an offence u/s 138 of the

Negotiable Instruments Act and sentenced to undergo simple imprisonment for six months and also to pay a sum of Rs. 50,000/- as compensation

and in C.C. No. 152 of 2005, he stands convicted for an offence u/s 138 of Negotiable Instruments Act and sentenced to undergo Simple

Imprisonment for six months and to pay a sum of Rs. 1,50,000/- as compensation, against which the Petitioner herein has preferred appeal in C.A.

No. 140 of 2006 and C.A. No. 141 of 2006, in which the conviction and sentence passed by the trial court was confirmed, against which the

present revision petitions have been preferred by this Petitioner/accused.

2. The learned Counsel appearing for the Petitioner/accused submits that the matter is now compromised and the revision Petitioner has already

deposited a sum of Rs. 75,000/- before the Judicial Magistrate No. II, Salem in both the cases.

3. The learned Counsel appearing for the Respondent/complainant admits that the matter has been compromised and the Respondent/complainant

is also ready to compound the offences. It is further submitted that a petition u/s 147 of the Negotiable Instruments Act is also now filed before this

Court seeking permission of the Court for compounding the offences.

4. Both complainant/Respondent and accused/Petitioner and their respective counsel are present. This Court has considered the submissions made

by both side counsel.

5. In view of the fact that the matters are being compromised and as the complainant/Respondent is also prepared to compound the offences, the

petitions in M.P. No. 1 of 2011 in Crl. R.C. No. 29 of 2008 and M.P. No. 1 of 2011 in Crl. R.C. No. 30 of 2008 filed before this Court u/s 147

of the Negotiable Instruments Act are allowed.

6. As the offence has been compounded, these Criminal Revision Petitions are allowed and the conviction and sentence imposed on the Petitioner

in C.C. Nos. 152 and 606 of 2005 by the learned Judicial Magistrate II, Salem are hereby set aside and the Petitioner/accused is acquitted from

the charges leveled against him in both the cases. Consequently, connected M.P. No. 1 of 2010 is closed.

7. In Crl. R.C. No. 30 of 2008, the complainant/Respondent is permitted to withdraw a sum of Rs. 25,000/- deposited by the Petitioner/accused

before the Judicial Magistrate II, Salem in C.C. No. 606 of 2005 M.P. No. 3 of 2008 in Crl. R.C. No. 30 of 2008 is allowed. In Crl.R.C. No.

29 of 2008, the Respondent/complainant is permitted to withdraw a sum of Rs. 50,000/- deposited by the Petitioner/accused before the Judicial

Magistrate II, Salem in C.C. No. 152 of 2005.M.P. No. 3 of 2008 in Crl.R.C. No. 29 of 2008 is allowed.

8. In the above terms, these Criminal Revision cases are disposed of. M.P. No. 1 of 2011 and M.P. No. 3 of 209 in Crl. R.C. No. 29 of 2008

and M.P. No. 1 of 2011 and M.P. No. 3 of 2009 in Crl. R.C. No. 30 of 2008 are allowed.