

(2011) 03 MAD CK 0363

In the Madras High Court

Case No : Criminal R.C. No. 222 of 2008 and M.P. No. 1 of 2011

Syed Akbar

APPELLANT

Vs

V.B. Adinarayana

RESPONDENT

Date of Decision : 19-03-2011

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 357(3)
Negotiable Instruments Act, 1881 (NI) — Section 138, 147

Citation : (2011) 03 MAD CK 0363

Hon'ble Judges : R. Mala, J

Bench : Single Bench

Advocate : I.C. Vasudevan, for the Appellant; P. Jagadeesan, for the Respondent

Judgement

R. Mala, J.—The Revision Petitioner herein is an accused in C.C. No. 183 of 2004 on the file of the Judicial Magistrate No. II, Salem and the Petitioner/accused stands convicted for an offence u/s 138 of Negotiable Instruments Act and sentenced to undergo simple 2 imprisonment for six months and to pay Rs. 50,000/-which is the cheque amount to the complainant as compensation u/s 357(3) of Code of Criminal Procedure, against which the Petitioner herein has preferred an appeal in C.A. No. 42 of 2007 in which, the conviction and sentence was confirmed, against which the present revision has 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. 15.000/-before the Judicial Magistrate No. II, Salem.

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 Petitioner/accused 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 petition in M.P. No. 1 of 2011 filed before this Court u/s 147 of the Negotiable Instruments Act is allowed.

6. As the offence has been compounded, these Criminal Revision Petition is allowed and the conviction and sentence imposed on the Petitioner in C.C. No. 183 of 2004 by the learned Judicial Magistrate No. II, Salem is hereby set aside and the Petitioner/accused is acquitted from the charges levelled against him.

7. The Respondent/ complainant is permitted to withdraw a sum of Rs. 15,000/- deposited in the credit of Judicial Magistrate II, Salem.

8. In the above terms, this Criminal Revision Case is disposed of. M.P. No. 1 of 2011 is allowed.