

(2010) 08 MAD CK 0420

Madras High Court (Madurai Bench)

Case No: Criminal R.C. (MD) No. 509 of 2010 and M.P. No's. 1 to 2 of 2010

Subramani and Others

APPELLANT

Vs

The State

RESPONDENT

Date of Decision: Aug. 31, 2010

Acts Referred:

- Criminal Procedure Code, 1973 (CrPC) - Section 320
- Penal Code, 1860 (IPC) - Section 419, 420, 420(B)

Citation: (2010) 2 Crimes 353

Hon'ble Judges: C.S. Karnan, J

Bench: Single Bench

Advocate: M. Ajmalkhan, for the Appellant; P. Rajendran, Government Advocate (Crl. side), for the Respondent

Final Decision: Allowed

Judgement

@JUDGMENTTAG-ORDER

C.S. Karnan, J.

The revision petitioner/appellants/Accused 1 to 6 have filed the above revision against the judgment and decree dated 29.05.2008 made in Criminal Appeal No. 19 of 2007 on the file of the Additional Sessions Judge, Fast Track Court No. IV, Periyakulam, confirming the conviction made in C.C. No. 195 of 2006 dated 05.06.2007 on the file of learned Judicial Magistrate Court, Uthamapalayam, convicting the petitioners for the offence punishable u/s 420 of I.P.C and sentenced to undergo two years Rigorous Imprisonment and to pay a fine of Rs. 1,000/- in default to undergo further six months Simple Imprisonment.

2. The case of the prosecution briefly is as follows:

The prosecution had registered a criminal case against the revision petitioners and including one Khader Mohideen offence under Sections 420 of I.P.C and 420(b) of

I.P.C and 419 of I.P.C. respectively. The said case was taken on the file of the learned Judicial Magistrate Court, Uthamapalayam in C.C. No. 195 of 2006. The same was tried and punishment awarded to the revision petitioners including the said Khader Mohideen. Aggrieved by this order the revision petitioners including Khader Mohideen had filed Criminal Appeal No. 19 of 2007 on the file of the Additional Sessions Judge, Fast track Court IV, Periyakulam confirming the learned Magistrate's order against the revision petitioners 1 to 6. The 7th accused Khader Mohideen was acquitted.

3. The other accused 1 to 6 have filed this criminal revision and challenged the orders of the Court below. Actually the criminal case is between the accused/revision petitioners and de-facto complainant. The de-facto complainant P.W.6 was cheated by the accused persons of Rs. 65,000/- given for securing a job at the Government Medical College Hospital at Antipet. Now the matter is settled between the revision petitioners and the de-facto complainant, and to this effect they have filed a joint compromise memo duly signed by the respective parties and their respective counsels.

It is respectfully submitted that on 10.06.2008 the revision was admitted by this Hon"ble Court and sentence was also suspended. Pending the above Criminal Revision the Respondents 2 to 5 who were the prime witnesses in the prosecution case and who were said to have been cheated by the petitioners on a false promise of securing job have entered into a compromise on their own. The Respondents 2 to 5 as per the compromise entered between them have received the compensation amount from the petitioners and gave an acknowledgement to that effect. In view of the amicable settlement between both sides now the Respondents 2 to 5 do not want to continue the above case further and wanted to give a quietus to the issue. The petitioners were convicted u/s 420 I.P.C. and the same is compoundable offence as per Section 320 Code of Criminal Procedure. Hence, the Respondents 2 to 5 being the aggrieved person in the above criminal case are praying this Hon"ble Court to all the above Crl.RC. as prayed for.

Hence, it is therefore prayed that this Hon"ble Court may be pleased to record this memo of compromise and allow the above Criminal Revision No. 509 of 2008 pending on the file of this Hon"ble Court and set aside the judgment dated 29.05.2008 as prayed for in view of the amicable settlement and thus render justice.

4. Recording the same this Court is setting aside the judgment of the Court below; passed in 195 of 2006 on the file of the learned Judicial Magistrate, Uthamapalayam, dated 05.06.2007 and C.A. No. 19 of 2007 on the file of the Additional Sessions Judge, Fast Track Court No. IV, Periyakulam, dated 29.05.2008 respectively and allow the criminal revision petition No. 509 of 2008. The connected miscellaneous petitions are closed.