

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.11.2016

CORAM

THE HONOURABLE MR. JUSTICE C.T.SELVAM

Crl.R.C.No.1191 of 2016

1.M/s.Ganesha Fashions
represented by its Partner
V.Krishnaraj

2.V.Krishnaraj
S/o.Venkatachalam

... Petitioners

Vs.

K.Senthil Kumar
S/o.S.R.Kanakasekaran

... Respondent

Criminal Revision filed under Section 397 and 401 Cr.P.C. against the judgment of learned III Additional District and Sessions Judge, Salem, passed in C.A.No.156 of 2015 on 29.08.2016 confirming the judgment of learned Judicial Magistrate III, Salem, passed in C.C.No.194 of 2014 on 16.11.2015.

For Petitioners : Mr.S.Saravanan

For Respondent : Mr.S.Panneerselvam

ORDER

This revision is preferred against two concurrent judgments of Courts below convicting the petitioners for offence under Section 138 of the Negotiable Instruments Act and sentencing the second petitioner to 6 months S.I. as also directing him to pay a sum of Rs.2,50,000/- as compensation to the complainant under Section 357(3) Cr.P.C.

2. Learned counsel for petitioners submitted that the second petitioner has deposited the entire cheque amount of Rs.2,50,000/- before learned Judicial Magistrate III, Salem, on 20.10.2016 in keeping with the order of this Court dated 06.10.2016. Learned counsel further submits that the dispute between the parties stands settled.

3. Learned counsel for respondent affirms the submissions of learned counsel for petitioner viz., that the dispute stands settled between *de facto* complainant and petitioner. Learned counsel further submits that this Court, under order dated 06.10.2016, has permitted the respondent to withdraw 50% of the deposited amount and directed the trial Court to invest the balance 50% in a Nationalised Bank by way of fixed deposit.

In view of the petition filed to compound the offence signed by learned counsel on either side, this Court is inclined to allow this petition. Accordingly, the Criminal Revision is allowed. The offence under section 138

of the Negotiable Instrument Act shall stand compounded. Petitioner shall stand acquitted in the case. Learned Judicial Magistrate III, Salem, is directed to foreclose the fixed deposit effected in keeping with the order of this Court dated 06.10.2016 and permit withdrawal of the accrued sum by the respondent upon due application.

29.11.2016

Index:yes/no
Internet:yes/no
gm

To

- 1.The III Additional District and Sessions Judge,
Salem.
- 2.The Judicial Magistrate III,
Salem.

C.T.SELVAM, J

CrI.R.C.No.1191 of 2016

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