

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.11.2017

CORAM:

THE HON'BLE DR.JUSTICE **S.VIMALA**

Criminal Revision Case No.257 of 2016 &
Crl.M.P.Nos.1781 & 1782 of 2016 &
Crl.M.P. No.14206 of 2017

T.Ganesh ... Petitioner / Accused

..Vs..

P.V.Vamanamurali ... Respondent / Complainant

Criminal Revision Petition filed under Section 397 read with 401 of the Criminal Procedure Code, to set aside the order passed by the learned XVI Additional Sessions Judge, Chennai on 01.12.2015 in C.A. No.121 of 2014 confirming the conviction and sentence passed by the learned Fast Track Court Magistrate-4, Metropolitan Magistrate Courts, George Town, Chennai.

For Petitioner : Mr. A.R.Sakthivel

For Respondent : No Appearance.

ORDER

The petition has been filed by the Petitioner/accused seeking permission to compound the offence, in respect of the complaint under

Section 138 of Negotiable Instruments Act, which has been taken on file in C.C. No.12587 of 2006 before the Fast Track Court - IV Metropolitan Magistrate, Geroage Town, Chennai. The Court sentenced the Petitioner to undergo one year Simple Imprisonment under Section 138 of the Negotiable Instruments Act and further directed the accused to pay compensation of Rs.2,00,000/- to the respondent/complainant vide judgment dated 09.04.2014. Against the said order appeal was preferred by the petitioner / accused in C.A. No.121 of 2014 before the XVI Additional City Civil Court, Chennai, which was also dismissed by the appellate Court, confirming the trial Court judgment. Aggrieved by the same, this Revision Petition has been filed before this Court.

2. This Court referred the matter to the Lok Adalat vide order dated 20.01.2017. The following order was passed in Lok Adalat on 11.02.2017:-

"In Criminal R.C. No.257 of 2016, both the parties have appeared before the Lok Adalat held on 11.02.2017, in which the petitioner/accused states that he agrees to pay a total sum of Rs.2,00,000/-. He sought time for first payment on or before 28.02.2017 and the balance payment has been agreed to pay on or before 15.04.2017. The respondent is also present and

that he has also agreed for the same. Further, the petitioner/accused and the respondent/complainant has made necessary endorsement to that effect.

Therefore the petitioner has to pay the amount as agreed in failing payment, this matter may be referred before this Court."

3. As per the order passed in the Lok Adalat dated 11.02.2017, the petitioner/accused has to pay a sum of Rs.2,00,000/- to the respondent/complainant on or before 28.02.2017 and balance has to be paid on or before 15.04.2017.

4. Learned counsel for the accused submits that as per the order of the Lok Adalat, the amount has already been paid and the respondent/complainant, after receiving the amount, has also made necessary endorsement on 27.02.2017, through his counsel stating that a sum of Rs.1,00,000/- has been received. There is also yet another endorsement made on 15.04.2017 by the counsel for the respondent/complainant regarding receipt of the balance amount. Based on the two endorsements dated 27.02.2017 and 15.04.2017, learned counsel appearing for the petitioner/accused submits that the matter may be closed and charges under Section 138 of the Negotiable Instruments Act may be dropped recording the compromise

entered into between the parties.

5. The matter had been listed on 21.11.2017. Since, the name of the respondent / complainant and his counsel has not been printed in the cause list, the Registry was directed to print the name and list the matter today. Accordingly, the names of the parties as well as the counsel for the parties are printed today and the matter had been listed. However, there is no representation on behalf of the respondent/complainant and the respondent is also not present in person before this Court. The compromise has been entered into by the respondent/complainant and the petitioner/accused before the Lok Adalat.

6. Learned counsel appearing for the petitioner/accused submits that the payment was made in cash as the complainant did not want of payment by way of cheque, as the previous cheque stood dishonoured leading to the present *lis*. He further submitted that receipt of payment has been acknowledged by the learned counsel for the respondent / complainant.

7. Recording the endorsement made by the learned counsel for

the respondent/complainant, the conviction and sentence imposed on the petitioner/accused by the trial Court is confirmed by the Appellate Court is here by set aside and the petitioner/accused is acquitted of the charge framed against him under Section 138 of the Negotiable Instruments Act.

8. This Criminal Revision Case is ordered in the above terms. No costs. Consequently, the connected Crl.M.Ps. are closed.

23.11.2017

Index : Yes / No

Web : Yes / No

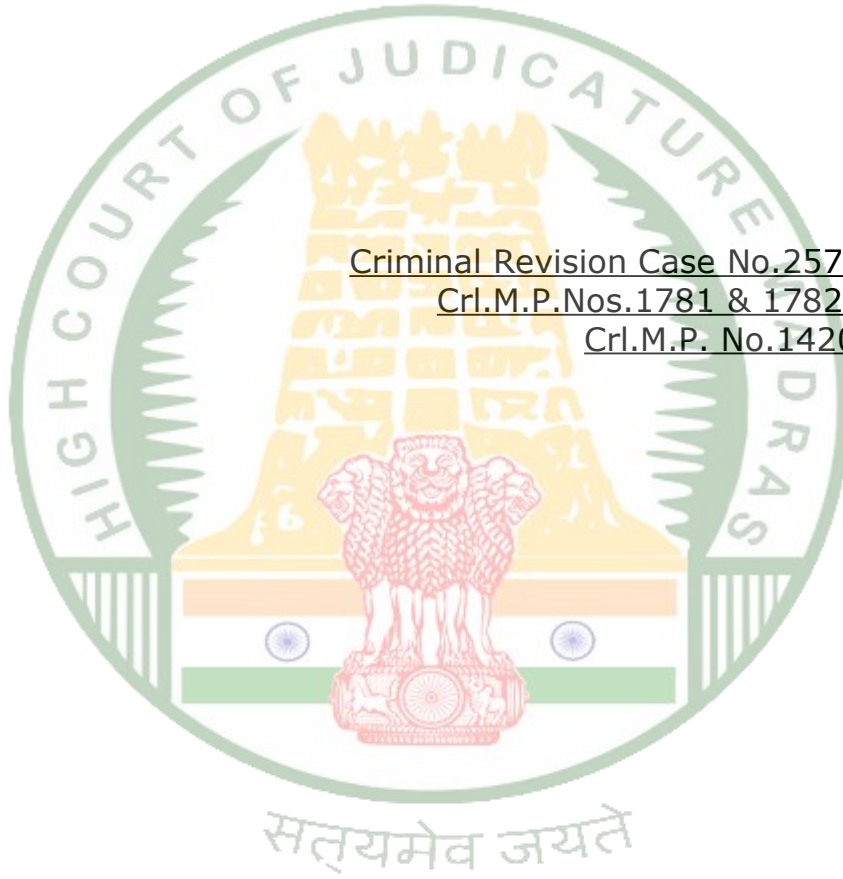
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To

1. The XVI Additional Sessions Judge,
Chennai.
2. The Fast Track Court Magistrate-4,
George Town, Chennai.

Dr. S.VIMALA, J.,

rkp/gln



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