

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.02.2018

CORAM:

THE HON'BLE MR.JUSTICE C.T. SELVAM

Crl.R.C.No.221 of 2017

and

Crl.M.P.Nos. 3041, 2124 and 2125 of 2017

K.Aswin Sidharth

.. Petitioner

VS.

P.Balakumar

.. Respondent

Criminal Revision Case filed under Section 397 and 401 Cr.P.C. to call for the records in Crl.A.No.70 of 2015 on the file of the learned Principal Sessions and District Judge at Thiruvallur judgment dated 24.10.2016 confirming and reducing the sentence as 2 months from 4 months SI and ordering him to pay a sum of Rs.8,77,000/- as compensation to the respondent/complainant for the offence under Section 138 of the NI Act confirming the judgment in STC.No.237/2014 passed by the learned Fast Track Court (Magistrate Level) at Ambattur, Thiruvallur District, judgment dated 25.08.2015 and set-aside the same.

For Petitioner : No Appearance

For Respondent : Mr.P.Sivamani

ORDER

Towards enabling settlement in the matter, this Court has reserved orders in this matter on 24.02.2017. Thereafter, the matter was listed on 08.12.2017 under the head 'for orders'. At request of parties, today, the matter is listed under the same head.

2. This revision arises against the judgment of learned I Additional Sessions Judge, Erode, passed in C.A.No.70 of 2015 on 24.10.2016.

3. Respondent, moved a prosecution informing that petitioner is a tenant under him and defaulted in payment of rent. As respondent has insisted for payment, petitioner issued two cheques, one in the name of respondent and another in the name of respondent company. Respondent presented the cheque bearing No.0001000 dated 19.03.2014 drawn on HDFC Bank, Mugappair West Branch, in a sum of Rs.8,77,000/- and the same was returned unpaid for the reason "insufficient funds". Respondent/complainant caused statutory notice and following the procedure envisaged under Section 138 of the N.I. Act, a complaint has been filed. The complaint was taken on file in S.T.C.No.237 of 2014 on the file of the learned Fast Tract Court (Magistrate Level) at Ambattur, Thiruvallur District.

4. Before the trial Court, respondent examined himself and marked four exhibits. None were examined on behalf of the defendants and one exhibit was marked. On appreciation of materials before it, trial court, under judgment dated 25.08.2015, convicted petitioner for offence u/s.138 N.I. Act and sentenced him to 4 months S.I and directed him to pay compensation in a sum of Rs.8,77,000/-. Against such finding, petitioner preferred C.A.No.70 of 2015 on the file of learned I Additional Sessions Judge, Erode. Appellate Court, under judgment dated 24.10.2016, while confirming the finding of conviction modified the sentence to one of 2 months S.I. The compensation directed to be paid was confirmed.

5. Heard learned counsel for petitioner and learned counsel for respondent. Perused the materials on record.

6. Learned counsel for petitioner submitted that the matter stands compromised upon receipt of the entire cheque amount by the respondent/complainant.

7. Learned counsel for the respondent affirms the submissions of the learned counsel for the petitioner viz., that the dispute stands settled between the defacto complainant and the petitioner.

C.T. SELVAM, J

gm

In view of the Memo of Compromise filed to compound the offence signed by parties as also respective counsels, this Court is inclined to allow this petition. Accordingly, the offence under section 138 of the Negotiable Instrument Act shall stand compounded. Petitioner shall stand acquitted in the case. Connected miscellaneous petition is closed.

01.02.2018

Index:yes/no

Internet:yes/no

gm

To

1. The Principal Sessions and District Judge,
Thiruvallur.
2. The Fast Track Court (Magistrate Level),
Ambattur, Thiruvallur District.

Crl.R.C.No.221 of 2017