

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 05.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

CrI.R.C.No.315 of 2018
and
CrI.M.P.Nos.4938 & 4736 of 2019

R.Arunram ... Petitioner / Appellant /
Accused

Vs

S.Selvam ... Respondent / Respondent /
Complainant

PRAYER: Criminal Revision case filed under Section 397 and 401 of the Criminal Procedure Code, to set aside the Judgment dated 07.12.2017 passed in Cr.A.No.129 of 2017 by the learned XVI Additional Judge of City Civil Court, Chennai, confirming the Judgment dated 19.04.2017 passed in C.C.No.1686 of 2015 by the learned IV Metropolitan Magistrate, Fast Track Court-IV, at George Town and acquit the petitioner from all charges.

For Petitioner : Mr.S.Guru Moorthy

For Respondent : Mr.R.Narayana Samy

ORDER

The revision petitioner is the accused and the respondent is the complainant. The respondent/ complainant filed a private complaint under Section 200 of Cr.P.C., before the Metropolitan Magistrate, Fast Track Court No-IV, George Town, Chennai, in C.C.No.1686 of 2015.

2 After an elaborate enquiry the learned IV Metropolitan Magistrate, Fast Track Court, George Town, Chennai, found guilty on the revision petitioner/accused for the offence under Section 138 of Negotiable Instruments Act, convicted and sentenced him to undergo six months simple imprisonment and to pay the

compensation of Rs.6,85,000/- to the respondent/complainant within a period of one month, in default to undergo Simple Imprisonment for a further period of two months. As against the said order the revision petitioner/accused filed an appeal before the learned XVI Additional Sessions Judge, City Civil Court, Chennai, in Criminal Appeal No. 129 of 2017. After hearing the arguments, the learned XVI Additional Sessions Judge, City Civil Court, Chennai, dismissed the said appeal. As against the order of dismissal the revision petitioner/accused filed a present Criminal Revision Case before this Court.

3 During the pendency of the Criminal Revision Case, the revision petitioner/accused has filed a petition in CrI.MP.No.4938 of 2019 to compound the offence under Section 147 of the Negotiable Instruments Act, stating that both the parties have settled the matter. Therefore, they filed a petition for compounding the offence. As per the guidelines issued by the Honourable Supreme Court, the case of Damodar S. Prabhu Vs. Sayed Babalal H. reported on (2010) 5 SCC 663 the petitioner deposited 15% of the cheque amount.

4 The learned counsel for the respondent/complainant has also admitted that both the parties have settled the matter out of Court, and stated there is no objection for compounding the offence.

5 Heard both sides and perused materials available on record.

6 Though, the offence under Section 138 of Negotiable Instruments Act, is the compoundable offence, since both the parties have settled the matter and also they filed a petition to compound the offence under Section 147 of the Negotiable Instruments Act along with the Demand Draft drawn in favour of the Registrar General, High court of Madras dated 04.04.2019

7 Considering the facts and circumstances of the case and as per the guide lines of our Honourable Supreme Court, this Court is inclined to compound the matter. The offence is compounded and the Criminal Revision Case is allowed. Consequently, connected Criminal Miscellaneous Petitions are closed. The accused is set at liberty, if the custody of the accused is not required in any other case.

8 Registry is directed to remit the Demand Draft No.023462 dated 04.04.2019 drawn from HDFC Bank Washermenpet branch in favour of Registrar General, High Court of Madras to the credit of Tamil Nadu State Legal Service Authority, Chennai.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

sbn

To

1. The XVI Additional Judge,
City Civil Court,
Chennai.
2. The IV Metropolitan Magistrate,
Fast Track Court,
George Town, Chennai.
3. The Section Officer,
Accounts Section,
High Court, Madras.
4. The Secretary,
Tamilnadu State Legal Services Authority,
Chennai.

copy to:1)The Registrar General,
High Court, Madras.

2)The Superintendent,
Central Prison, Puzhal, Chennai.

+2 ccs to Mr.S.Ganesh, Advocate, S.R.No.33047, 33048

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and
CrI.M.P.No.4938 of 2019

VGI(CO)
SSM(05/04/2019).

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