

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2019

CORAM :

THE HONOURABLE MR. JUSTICE P.N. PRAKASH

Crl.R.C.No.462 of 2018

and

Crl.M.P.Nos.3451 & 9706 of 2019

Ramesh Kumar Jain

... Revision Petitioner

Vs.

Suresh Kumar Goud

... Respondent

Prayer: Criminal Revision Case filed under Section 397 r/w. 401 Cr.P.C., praying to call for the records and set aside the judgment dated 19.01.2018 passed in C.A.No.315 of 2017 by the XV Additional Sessions Court at Chennai against C.C.No.3844 of 2009 on the file of the Metropolitan Magistrate, Fast Track Court No.I, Egmore @ Allikulam, Chennai and to acquit the petitioner/accused.

For Petitioner : Mr.M.Arvind Kumar

For Respondent : Mr.M.Vijayakumaran

O R D E R

This Criminal Revision Case has been filed against the judgment dated 19.01.2018, passed by the XV Additional District and Sessions Judge, Chennai, in C.A.No.315 of 2017, confirming the judgment of conviction and sentence, passed by the Metropolitan Magistrate, Fast Track Court No.I, Egmore, Chennai, in C.C.No.3844 of 2009, on 22.09.2017.

2.For the sake of convenience, the petitioner and the respondent will be referred to as accused and complainant, respectively.

3.It is the case of the complainant that the accused owes Rs.1,00,000/- (Rupees one lakh only), towards which, the accused gave two cheques for Rs.50,000/- (Rupees fifty thousand only) each, which when presented by the complainant, were dishonoured for the reason 'insufficiency of funds'. After issuing a statutory demand notice, the complainant initiated prosecution in C.C.No.3844 of 2009 before the Metropolitan Magistrate, Fast Track Court No.I, Egmore, Chennai, against the accused, in which, the accused was convicted and sentenced

on 22.09.2017. The appeal in C.A.No.315 of 2017, filed by the accused, was dismissed by the XV Additional District and Sessions Judge, Chennai, on 19.01.2018.

4.Challenging the judgments passed by the Courts below, the accused has preferred the present revision before this Court.

5.During the pendency of this revision case, it appears that the complainant and accused have arrived at a compromise, pursuant to which, they have filed a petition in Crl.M.P.No.3451 of 2019 under Section 147 of the Negotiable Instruments Act.

6.Heard learned counsel for the complainant and learned counsel for the accused.

7.Mr.M.Vijayakumaran, learned counsel for the complainant submitted that the parties have arrived at a compromise as per the terms set out in Para Nos.4 and 5 of the petition in Crl.M.P.No.3451 of 2019, which reads as follows :

"4.The Petitioner submits that he had complied with the condition order and deposited an amount of Rs.50,000/- in the court below vide Receipt No.89181 dated 07/12/2018.

5.The Petitioner submits that the Petitioner and the Respondent herein negotiated to amicably settle the matter and after deliberations have mutually agreed to settle the matter. The Petitioner had paid an amount of Rs.50,000/- (Rupees Fifty Thousand Only) to the Respondent through Pay Order bearing No.477911 dated 05.03.2019 drawn on Kotak Mahindra Bank, Chennai-Parrys Corner Branch, Chennai and the Respondent has also acknowledged receipt of the same. Further the petitioner and the respondent have agreed that the respondent shall withdraw the amount of Rs.50,000/- (Rupees Fifty Thousand Only) deposited on 07.12.2018 in the court below pursuant to the conditional order passed by this Hon'ble Court in Crl.M.P.No.5588 of 2018. The respondent in total had agreed to receive the sum of Rs.1,00,000/- (Rupees One Lakh Only) as above and settled the matter out of court."

8.When the petition in Crl.M.P.No.3451 of 2019 came for admission before this Court, this Court by order dated 08.03.2019, directed the accused to deposit 15% of the cheque amount before the Registry of this Court in

compliance of the directions issued by the Hon'ble Supreme Court in Damodar S. Prabhu v. Sayed Babalal H [(2010) 5 SCC 663]. Accordingly, the accused has deposited Rs.15,000/- (Rupees fifteen thousand only), vide Demand Draft dated 14.03.2019, drawn in favour of "The Registrar General, High Court, Madras".

9.This Court directs the Registrar General of this Court to transfer the said amount of Rs.15,000/- (Rupees fifteen thousand only) to the credit of Tamil Nadu Legal Services Authority, within a period of four weeks from the date of receipt of a copy of this order, if not already transferred. This Court, directs the trial Court to disburse the sum of Rs.50,000/- (Rupees fifty thousand only), that has been deposited by the accused as said above, to the complainant. The accused shall also render necessary assistance to the complainant for receiving the said amount.

10.In view of the above, the offence under Section 138 of the Negotiable Instruments Act stands compounded under Section 147 of the said Act and the accused is acquitted of the charge. Accordingly, this Criminal Revision Case is allowed and the judgments passed by the Sessions Court and the trial Court are set aside. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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Copy to :

- 1.The Registrar General,
High Court, Madras.
- 2.The XV Additional District and Sessions Judge,
Chennai.
- 3.The Metropolitan Magistrate,
Fast Track Court No.I,
Egmore @ Allikulam, Chennai.
- 4.The Tamil Nadu Legal Services Authority, Chennai.

+2ccs to Mr.M.Arvind Kumar , Advocate SR.No. 61144

+1cc to Mr.M.Vijayakumaran , Advocate SR.No. 61072

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