

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.04.2019

CORAM:

THE HON'BLE MR.JUSTICE P.VELMURUGAN

Crl.R.C.Nos.350 to 352 of 2019
and
CRL.MP.Nos.4854, 4855 & 4861 of 2019

M.Suresh .. Petitioner in all
Crl.Revisions
Vs.
S.Duraisamy .. Respondents in
Crl.Revisions

Criminal Revision filed under Sections 397 and 401 Cr.P.C., praying to set aside the judgment and sentence pronounced by the II Additional District and Sessions Judge at Erode in Crl.A.Nos.331, 330 & 329 of 2017 dated 08.06.2018 confirming the order of conviction dated 02.11.2017 passed in STC.Nos.80, 79 & 78 of 2016 by the learned Judicial Magistrate, Fast Track Court-II, Erode respectively.

For Petitioner : Mr.K.Venkateswaran

For Respondent : Mr.M.Premkumar

O R D E R

These Criminal Revision Cases have been filed to set aside the judgment and sentence passed by the learned II Additional District and Sessions Judge at Erode in Crl.A.Nos.331, 330 & 329 of 2017 dated 08.06.2018 confirming the order of conviction dated 02.11.2017 passed in STC.Nos.80, 79 & 78 of 2016 by the learned Judicial Magistrate, Fast Track Court-II, Erode.

2. The petitioner herein is the accused in STC Nos.78 to 80 of 2016 and the respondent is the complainant. The respondent/complainant filed three private complaints under Section 200 Cr.P.C for the offence under Section 138 of The Negotiable Instruments Act against the petitioner/accused before the learned Judicial Magistrate, Fast Track Court-II, Erode. The learned Judicial Magistrate, after enquiry, found guilty of the petitioner/accused and convicted him for the offence under Section 138 of Negotiable Instruments Act and sentenced him to undergo one year Simple Imprisonment and to pay fine of Rs.3,000/-, in default, 3 months Simple Imprisonment in all

three cases, against which, the petitioner/accused preferred the appeals in Crl.A.Nos.329, 330 & 331 of 2017 before the learned II Additional District and Sessions Judge, Erode. The learned II Additional District and Sessions Judge, Erode, after hearing the appeals, dismissed the appeals and confirmed the judgments of the learned Judicial Magistrate, Fast Track Court-II, Erode on 08.06.2018. There against, the petitioner/accused preferred the present revisions before this Court with a delay of 178 days in filing the revisions. During pendency of the petitions to condone the delay, the petitioner/accused has filed the petitions for compounding the offence in Crl.MP.Nos.4820 to 4822 of 2019. Since the offence under Section 138 of Negotiable Act is compoundable offence, the parties can compound the offence at any stage as per the guidelines of the Hon'ble Supreme Court in Damodar S. Prabhu Versus Sayed Babalal H. [(2010) 5 SCC 663] by depositing 10% of the cheque amount before the Magistrate concerned or 15% of the cheque amount before the High Court. The petitioner has deposited equivalent to 15% of the cheque amounts (3 cheques) as compounding fees.

3. In view of the above, the offence under section 138 of the Negotiable Instrument Act shall stand compounded and these Criminal Revision Cases shall stand allowed. The petitioner/accused shall stand acquitted in these cases. Bail Bonds, if any, executed shall stand cancelled. Consequently, connected miscellaneous petitions are also closed.

4. Registry is directed to remit the amount mentioned in the Demand Drafts (3 Nos) to the credit of Tamil Nadu State Legal Services Authority, Chennai as per the guidelines given by the Honourable Apex Court cited supra.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

kmi

To

1. The Judicial Magistrate,
Fast Track Court-II,
Erode.
2. The II Additional District and Sessions Judge,
Erode.

3. The Sub Assistant Registrar,
Accounts Section,
High Court, Chennai - 104

4. The Tamilnadu State Legal Services Authority,
Chennai.

+3 ccs to Mr.K.Venkateswaran, Advocate, S.R.No.33531 to 33533

Crl.R.C.Nos.350 to 352 of 2019

SPD(CO)
SSM(27/04/2019)



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