

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.07.2019

CORAM

THE HONOURABLE MR. JUSTICE P.N.PRAKASH

Crl.R.C.No.956 of 2018

and

Crl.MP.No.11058 of 2018

J.Manickam

S/o.Late E.Jaganathan

... Petitioner

-Vs-

S.Rajendran

S/o.Sankar

... Respondent

Criminal Revision Petition filed under section 397 r/w 401 of the Code of Criminal Procedure to set aside the order of the learned VI Additional Judge, City Civil Court, Chennai passed in Crl.A.No.72 of 2017 dated 09.08.2018 confirming the order of the learned Metropolitan Magistrate, Fast Track Court-III at Saidapet, Chennai, passed in C.C.No.5828 of 2013 dated 03.03.2017, convicting the petitioner herein and sentenced to undergo 6 months simple imprisonment and directed to pay the cheque amount as compensation u/s.255 (2) of Cr.P.C for offence under Section 138 of the Negotiable Instruments Act.

For Petitioner : Mr.S.V.Karthikeyan

For Respondent : Mr.D.Kanagasundaram

O R D E R

This Criminal Revision Petition has been filed to set aside the order dated 09.08.2018 passed by VI Additional Judge, City Civil Court, Chennai, in Crl.A.No.72 of 2017 confirmed the order dated 03.03.2017 passed by the Metropolitan Magistrate, Fast Track Court-III at Saidapet, Chennai, in C.C.No.5828 of 2013.

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

3. The complainant initiated a prosecution in C.C.No.5828 of 2013 under Section 138 of the Negotiable Instruments Act, before the Metropolitan Magistrate, Fast Track Court No.III, Saidapet, against the accused, in

which, the accused was convicted on 03.03.2017 and was sentenced to undergo 6 months Simple Imprisonment and to pay the cheque amount of Rs.10,60,000/- as compensation. Challenging the conviction and sentence, the accused filed Criminal Appeal No.72 of 2017, which was dismissed by VI Additional Judge, City Civil Court, Chennai, on 09.08.2018, aggrieved by which, the accused has filed the present revision petition under Section 397 r/w 401 Cr.P.C.

4. During pendency of the revision petition, it appears that the accused and the complainant have arrived at a compromise.

5. Today, J.Manickam, S/o.Late E.Jaganathan, the accused and S.Rajendran, S/o.Sankar the complainant are present before this Court and they are identified by their respective counsels. The complainant and the accused have filed a joint memo of compromise dated 10.07.2019, wherein, it is stated as follows:

"1. The petitioner has paid the entire cheque amount to the satisfaction of the respondent and the respondent herein have received and acknowledged the same.

2. The respondent have no claim whatsoever with the petitioner.

3. The respondent reports before this Hon'ble Court that the offence shall be recorded as compounded.

4. The petitioner and the respondent agrees that the deposit of Rs.6,06,000/- (Rupees Six Lakh and Six Thousand Only) made by the petitioner to the credit of C.C.No.5828/2013 on the file of the learned Metropolitan Magistrate, Fast Track Court-III, Saidapet, Chennai shall be withdrawn by the petitioner."

6. In view of the above, this Criminal Revision Petition is allowed. The offence stands compounded under Section 147 of the Negotiable Instruments Act and the conviction and sentence imposed by the trial Court and the Appellate Court against the accused is hereby set aside and the accused is acquitted of the charges. The accused will be entitled to withdraw the sum of Rs.6,06,000/- (Rupees Six Lakhs and Six Thousand Only)

that has been deposited by him in the Trial Court.
Connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(J)

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Sub Assistant Registrar

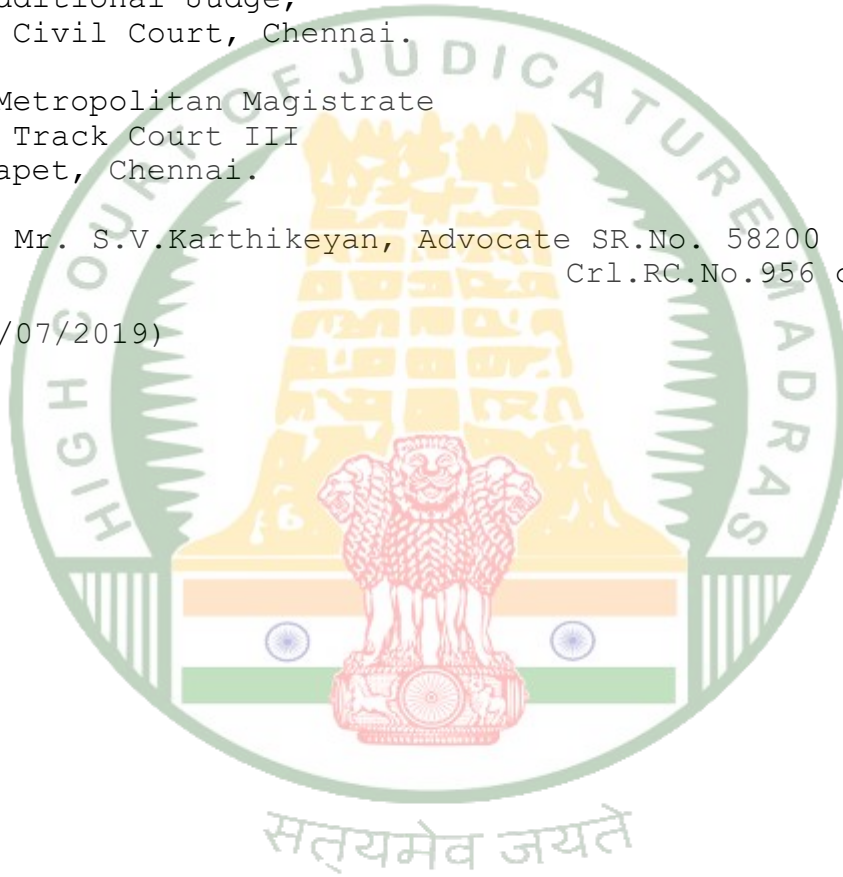
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To

1. VI Additional Judge,
City Civil Court, Chennai.

2. The Metropolitan Magistrate
Fast Track Court III
Saidapet, Chennai.

+1cc to Mr. S.V.Karthikeyan, Advocate SR.No. 58200
Crl.RC.No.956 of 2018

A.SK(22/07/2019)



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