

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.10.2019

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.RC.No.1045 of 2019
and Crl.M.P.Nos.14336 to 14338 of 2019

1. INFI Galaxy Marketing India P. Ltd.,
Rep. by its Authorized signatory/Director
Mr.S.Ramesh Kumar.
 2. S.Ramesh Kumar ... Petitioners/Appellants/Accused
- Vs.

Kantilal ... Respondent/Respondent/
Complainant

Prayer: This Criminal Revision Petition has been filed under Section 397 read with 401 of Cr.PC, against the order passed by the learned XVI Additional Judge, City Civil Court, Chennai dated 10.10.2018 in C.A.No.319 of 2017 confirming the conviction and sentence imposed on the petitioner by the learned Metropolitan Magistrate (FTC-IV) George Town, Chennai in C.C.No.67 of 2016 dated 28.09.2017.

For Petitioner : Mr.V.V.Sairam
For Respondent : Mr.C.Parthiban (R1)

ORDER

The first petitioner Company and the second petitioner, an authorized agent of the first petitioner Company have been found guilty for the offence under Section 138 of Negotiable Instruments Act and the second accused is convicted and sentenced to undergo six months imprisonment and the both the accused were jointly and severally directed to pay compensation of Rs.8,04,358/-(Rupees Eight Lakhs Four Thousand Three Hundred and Fifty Eight only) to the complainant, by the learned Metropolitan Magistrate, Fast Track Court IV, George Town, Chennai-1 in C.C.No.67 of 2016 on 28.09.2017. Against the conviction and sentence, the petitioners have preferred C.A.No.319 of 2017 before the learned XVI Additional City Civil and Sessions Court, Chennai in Crl.A.No.319 of 2017 and the Appellate Court by order dated 10.10.2018 had dismissed the Appeal and confirmed the order of conviction and sentence passed by the trial Court. Against the order of conviction and sentence, the present revision has been filed.

2. At the stage of admission it was reported by the learned counsel for the petitioner that the parties have entered into compromise, pursuant to which the entire compensation amount of Rs.8,04,358/- (Rupees Eight Lakhs Four Thousand Three Hundred and Fifty Eight only) was paid to the respondent/complainant.

3. When the matter is taken up today, the petitioner has filed a present Criminal Miscellaneous Petition in CrI.M.P.No.15066/2019, on the ground that the petitioner has compromised the matter and settled the entire amount.

4. The learned counsel for the Respondent/Complainant would submit that the parties have settled the matter pursuant to which they have arrived at a Memo of compromise based on which the respondent/complainant has received a sum of Rs.8,04,358/- and has also agreed to compromise and compound the matter.

5. Both the learned counsels would submit that since there was some dispute with regard to the payment, the parties have litigated the matter and contested the case till the logical end and thereby would seek that costs may not be imposed on them.

6. Heard the learned counsel for the petitioner and the learned counsel appearing for the respondent and also perused the materials on record. I have also gone through the orders passed by the learned Courts below.

7. In view of the compounding application filed by the petitioner, this Criminal Revision Case is allowed and the order passed by the learned Metropolitan Magistrate (FTC-IV) George Town, Chennai, dated 28.09.2017, in C.C.No.67 of 2016, as confirmed in the Judgment dated 10.10.2018, made in CrI.A.No.319/2017, by the learned XVI Additional Judge, City Civil court, Chennai are set aside and bail bond executed by the petitioner shall stand cancelled. However, each of the parties shall pay an amount of Rs.25,000/- (Rupees Twenty Five Thousand Only) to the Tamil Nadu State Legal Services Authority, within a period of one month from the date of receipt of a copy of this order. Consequently, connected Miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The XVI Additional Judge,
City Civil Court, Chennai

2. The Metropolitan Magistrate (FTC-IV),
George Town, Chennai.

3. The Member Secretary,
Tamil Nadu State Legal Services Authority,
Chennai.

+1cc to M/s.V.V.Sairam, Advocate SR.No.87937

AKM/18.12.19

Cr1.R.C.No.1045 of 2019