

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.08.2019

CORAM

THE HONOURABLE MR. JUSTICE P.N.PRAKASH

Crl.R.C.No.369 of 2019

and

Crl.MP.Nos.5460, 5462 & 5464 of 2019

1.M/s.Srirams Cargo

Represented by its Proprietor

N.Dhanraj,

No.24, IV Floor,

Narayana Syrang Garden Street,

Chennai-600 001.

2.N.Dhanraj

Proprietor

M/s.Srirams Cargo

No.37/43, 10th Street,

Kamaraj Nagar,

Avadi, Chennai-600 054.

... Petitioners

-Vs-

M/s.S.M.Logiostics

Represented by its Proprietor

S.Sivaraman

No.133, Lingi Chetty Street,

Chennai-600 001.

... Respondent

Criminal Revision Petition filed under section 397 r/w 401 of the Code of Criminal Procedure to call for the records in C.A.No.348 of 2018 dated 06.03.2019 on the file of the XVII Additional Sessions Judge, Chennai and confirming the order/judgment passed in C.C.No.2785 of 2016 dated 15.02.2018 on the file of the Metropolitan Magistrate, Fast Track Court-IV, George Town, Chennai and set aside the same by allowing this Criminal Revision petition.

For Petitioners : Mr.V.Ramana Reddy

For Respondent : Mr.L.Christopher

O R D E R

This Criminal Revision has been filed to call for the records in C.A.No.348 of 2018 dated 06.03.2019 on the file of the XVII Additional Sessions Court, Chennai, confirmed the order dated 15.02.2018 passed in C.C.No.2785 of 2016 on the file of the Metropolitan Magistrate, Fast Track Court-IV, George Town, Chennai and set aside the same by allowing this Criminal Revision petition.

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

3. It is case of the complainant that the accused borrowed a sum of Rs.7,00,000/- towards which, he gave a cheque dated 18.07.2016 for a sum of Rs.3,00,000/-. When the complainant presented the said cheque, it was dishonoured on the ground "Funds Insufficient". After issuing a statutory demand notice, the complainant filed C.C.No.2785 of 2016 before the Fast Track Court No.IV, George Town, Chennai, under Section 138 of the Negotiable Instruments Act, against the accused, in which, the accused was convicted on 15.02.2018 and sentenced to undergo six months Simple Imprisonment and to pay a compensation of Rs.3,00,000/- in default to undergo a further period of two months Simple Imprisonment. Challenging the conviction and sentence, the accused filed CrI.A.No.348 of 2018, which has been dismissed by the XVII Additional Judge, City Civil Court, Chennai, on 06.03.2019, challenging which the accused has filed the present revision petition.

4. During the pendency of this revision petition, it appears that the complainant and the accused have arrived at a compromise, pursuant to which, they have filed individual affidavits.

5. S.Sivaraman, the Proprietor of M/s.S.M.Logiostics, the complainant herein has filed an affidavit dated 01.08.2019, wherein at Paragraph No.3, he has stated as follows:

"I further state that the Revision Petitioner herein approached me for settling the matter amicably and I agreed for the same, thereby, coming down to an amount of Rs.3,00,000/- as a full and final settlement. The said amount was received by me in two installments vide pay order No.503250 drawn on ICICI Bank dated 15.05.2019 an amount of Rs.1,50,000/- and on 25.06.2019, the remaining amount of Rs.1,50,000/-. There is a compromise of understanding between me and the Revision Petitioner and signed the same with an understanding and finally report the settlement before this Hon'ble Court. The same was complied with in strict sense of the compromise agreement and now, before this Hon'ble Court to give quietus to the matter once and for all."

6. In view of the above, this Criminal Revision Petition is allowed and the judgment dated 15.02.2018 passed by the Metropolitan Magistrate, Fast Track Court No.IV, George Town,

Chennai, in C.C.No.2785 of 2016 and the judgment dated 06.03.2019 passed by the XVII Additional Judge, City Civil Court, Chennai in Crl.A.No.348 of 2018 are hereby set aside. The offence stands compounded under Section 147 of the Negotiable Instruments Act and the accused are acquitted of the charges. Connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The XVII Additional Sessions Judge,
City Civil Court, Chennai.

2. The Metropolitan Magistrate,
Fast Track Court No.IV,
George Town, Chennai.

3. The Public Prosecutor,
High Court of Madras.

Copy to : The Section Officer, Criminal Section,
High Court of Madras.

+1 cc to M/s.L.Christopher, Advocate Sr.No. 65815

AKM/05.09.19/3P-6C /

Crl.RC.No.369 of 2019

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