

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.08.2019

CORAM:

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.R.C.No.1404 of 2017
and Crl.M.P.Nos.10443 & 11056 of 2019

Sri Ram

..Petitioner/Accused

Vs.

K.C.Palanisamy ... Respondent/Complainant

Criminal Revision filed under Section 397 r/w 401 Cr.P.C., to set aside the judgment and order dated 03.06.2017 passed in S.T.C.No.479 of 2015 on the file of the Judicial Magistrate Court No.I (Fast Track Court), Erode, confirmed by the judgment and order dated 26.10.2017 passed in C.A.No.166 of 2017 on the file of the Additional Sessions Court (Fast Track Mahila Court), Erode.

For Petitioner : Mr.T.S.Vijaya Raghavan

For Respondent : Mr.I.C.Vasudevan

O R D E R

This petition has been filed seeking to set aside the judgment and order dated 03.06.2017 passed in S.T.C.No.479 of 2015 on the file of the Judicial Magistrate Court No.I (Fast Track Court), Erode, confirmed by the judgment and order dated 26.10.2017 passed in C.A.No.166 of 2017 on the file of the Additional Sessions Court (Fast Track Mahila Court), Erode.

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

3. The long and short of the case is as under:

3.1 It is the case of the complainant that the accused borrowed a sum of Rs.15,00,000/- from him on 25.06.2012 and towards the said debt, issued a cheque dated 25.04.2013 for Rs.15,00,000/-, which, when presented by the complainant, was

returned with an endorsement "Opening Balance Insufficient" on 26.04.2013. After issuing a statutory notice dated 03.05.2013, the complainant initiated a prosecution in S.T.C.No.479 of 2015 before the Judicial Magistrate-I, Erode, under Section 138 of the Negotiable Instruments Act, 1881 (for brevity "the NI Act"), against the accused, in which, the accused was convicted on 03.06.2017 of the offence under Section 138, of the NI Act and sentenced to undergo six months simple imprisonment and pay a sum of Rs.15,00,000/- as compensation, in default to undergo one month simple imprisonment.

3.2 Challenging the aforesaid conviction and sentence, the accused filed C.A.No.166 of 2017, which has been dismissed on 26.10.2017 by the Additional Sessions Judge, (Fast Track Mahila Court), Erode. Aggrieved by the orders passed by the Courts below, the accused has preferred the present revision petition.

3.3 During the pendency of this revision petition, it appears that the accused and the complainant have settled the issue and therefore, they have filed Crl.M.P.No.11056 of 2019 in Crl.R.C.No.1404 of 2017 for compounding the offence.

4. Today B.Sri Ram/accused and K.C.Palanisamy/complainant are present before this Court. K.C.Palanisamy, the complainant herein, who is present before this Court submitted that he has received the cheque amount of Rs.15,00,000/- from B.Sri Ram, the accused herein and therefore, he has no objection in B.Sri Ram withdrawing a sum of Rs.6,50,000/-, which has been deposited before the Trial Court.

In view of the above, this revision petition is allowed and the offence is compounded under Section 147 of the NI Act. Consequently, the judgment and order dated 03.06.2017 in S.T.C.No.479 of 2015 on the file of the Judicial Magistrate Court No.I (Fast Track Court), Erode, confirmed by the judgment and order dated 26.10.2017 passed in C.A.No.166 of 2017 on the file of the Additional Sessions Court (Fast Track Mahila Court), Erode, are set aside and the accused is acquitted of the said charge. The Trial Court is directed to disburse to the accused the sum of Rs.6,50,000/- that has been deposited by him. Connected Crl.M.Ps. are closed.

-s/d-

Assistant Registrar(CS-IV)

True Copy

Sub-Assistant Registrar

To

1. The Judicial MagistrateNo.I,
(Fast Track Court),
Erode.
 2. Do Thro The Chief Judicial Magistrate, Erode
 3. The Additional Sessions Judge,
(Fast Track Mahila Court),
Erode.
 - 4.The Principal Sessions Judge
Erode
- +1 CC to Mr.T.S.Vijaya Raghavan, Advocate sr 67470.

Crl.R.C.No.1404 of 2017

NMI (CO)
SP (05/09/2019)



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