

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 01.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.RC.No.1181 of 2018

and

Crl.MP.Nos.14630,13915 & 13914 of 2018

T.Rajeswari

Petitioner

Vs

P.Jayapal

Respondent

Prayer in Crl.MP.No.14630 of 2018: This Criminal Miscellaneous Petition has been filed under Section 482 of Cr.P.C., to allow this compounding petitioner and acquit the petitioner/accused by setting aside the judgment of the learned XV Additional Sessions Judge, Chennai in Criminal Appeal No.02 of 2018 dated 19.06.2018 confirming the judgment of conviction and sentence imposed by the trial Court namely the learned Metropolitan Magistrate, Fast Track Court IV, George Town, Chennai in C.C.No.1716 of 2015 by the judgment dated 24.11.2017 in Crl.RC.No.1181 of 2018

Prayer in Crl.RC.No.1181 of 2018: Criminal Revision Case has been filed under Section 397 r/w 401 of Criminal Procedure Code, against the Judgments passed by the learned XV Additional Sessions Court, Chennai in Criminal Appeal No.02 of 2018 dated 19.06.2018 confirming the judgment passed by the learned IV Fast Track Metropolitan Magistrate, George Town, Chennai, in C.C.No.1716 of 2015 dated 24.11.2017.

For Appellant : Mr.G.Mutharasu

For Respondent : Mr.K.Mohan

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O R D E R

The revision petitioner is the accused and the respondent is the complainant. The respondent/complainant filed a private complaint under Section 200 of Cr.P.C., before the IV Metropolitan Magistrate, Fast Track Court, George Town, Chennai, in C.C.No.1716 of 2015.

2 After an elaborate enquiry, the learned IV

Metropolitan Magistrate, Fast Track Court, George Town, Chennai, found guilty on the revision petitioner/accused for the offence under Section 138 of Negotiable Instruments Act, convicted and sentenced him to undergo six months Simple Imprisonment and to pay the compensation of Rs.2,00,000/- to the respondent/complainant within a period of one month, in default to undergo Simple Imprisonment for a further period of two months. As against the said order the revision petitioner/accused filed an appeal before the learned XV Additional Sessions Judge, Chennai, in Criminal Appeal No.02 of 2018. After hearing the arguments, the learned XV Additional Sessions Judge, Chennai, dismissed the said appeal. As against the order of dismissal the revision petitioner/accused filed the present Criminal Revision Case before this Court.

3 During the pendency of the Criminal Revision Case, the revision petitioner/accused has filed a petition in Crl.MP.No.14630 of 2018 to compound the offence under Section 147 of the Negotiable Instruments Act, stating that both the parties have settled the matter. Therefore, they filed a petition for compounding the offence. As per the guidelines issued by the Honourable Supreme Court, the case of Damodar S. Prabhu Vs. Sayed Babalal H. reported on (2010) 5 SCC 663 the petitioner deposited 15% of the cheque amount.

4 The learned counsel for the respondent/complainant has also admitted that both the parties have settled the matter out of Court, and stated there is no objection for compounding the offence.

5 Heard both sides and perused the materials available on record.

6 The offence under Section 138 of Negotiable Instruments Act, is compoundable offence, since both the parties have settled the matter and also they have filed a petition to compound the offence under Section 147 of the Negotiable Instruments Act, along with the Demand Draft drawn in favour of the Registrar General, High Court of Madras dated 28.03.2019.

7 Considering the facts and circumstances of the case and as per the guidelines of our Honourable Supreme Court, this Court is inclined to compound the petition in Crl.MP.No.14630 of 2018. Accordingly, the offence is compounded.

8 Registry is directed to remit the Demand Draft No.800104 dated 28.03.2019 drawn from Indian Bank, High Court, Madras Branch in favour of the Registrar General, High Court of Madras to the credit of Tamil Nadu State Legal Service Authority, Chennai.

9 With the above directions, this Criminal Revision Case is allowed by setting aside the judgments of conviction rendered by the Courts below and the revision petitioner/accused is acquitted. Consequently, connected Criminal Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CJ Conf)

//True Copy//

Sub Assistant Registrar

sbn

To

1. The learned IV Metropolitan Magistrate,
Fast Track Court,
George Town, Chennai,
2. The learned XV Additional Sessions Judge,
Chennai.
3. The Registrar General,
High Court, Madras.
4. The Section Officer,
Accounts Section, High Court,
Madras.
5. The Secretary,
Tamilnadu State Legal Service Authority,
Chennai.

+lcc to Mr.G.Mutharasu, Advocate, S.R.No.31182

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and
Cr1.MP.Nos.14630,13915 & 13914 of 2018

SVI (CO)
GN(04/06/2019)