



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2020

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

Crl.R.C.No.476 of 2016 and
Crl.M.P.No.3159 of 2016

R.Suresh (Proprietor)
S.L.A. Castings
No.188 SIDCO Industrial Estate
Ambattur, Chennai.

..Petitioner

Vs

1. S.Rajasekaran (deceased)
Rep. by his legal heirs

2. S.Mrudhu Latha

3. R.Anjan Kumar

..Respondents

Prayer:- Criminal Revision Case filed under Section 397 read with 401 of Cr.P.C. praying to set aside the judgment dated 26.02.2016 passed by the learned XVI Additional Sessions Judge, City Civil Court, Chennai in Crl.A.No.11/2010 confirming the judgment dated 11.01.2010 passed by the learned XVII Metropolitan Magistrate, Saidapet, Chennai in C.C.No.7598 of 2003.

For Petitioner : Mr.T.S.Sasikumar

For R2 & R3 : Mr.G.Jayachandran

ORDER

The revision petitioner is an accused in C.C.No.7598 of 2003 on the file of the learned XVII Metropolitan Magistrate, Saidapet, Chennai. By judgment dated 11.01.2010, the trial Court convicted the petitioner for an offence under Section 138 of the Negotiable Instruments Act and sentenced him to undergo rigorous imprisonment for one year and to pay a fine Rs.10,000/-, in default to undergo rigorous imprisonment for a further period of three months. Aggrieved over the same, the petitioner preferred a Criminal Appeal in Crl.A.No.11/2010 before the learned Additional District and Sessions Judge, Fast Track Court No.II, Chennai. By judgment dated 27.05.2011, the Appellate Court allowed the appeal in part by setting aside the sentence and



fine imposed on the petitioner and directing him to pay a sum of Rs.1,52,020/- towards compensation to the complainant. Challenging the same, the complainant preferred CrI.RC.No.1760 of 2011 and the petitioner filed CrI.RC.No.742 of 2013 before this Court. By a common order dated 02.04.2014, this Court disposed of both the Criminal Revision Cases by setting aside the judgment of the Appellate Court and remanding back the matter to the Appellate Court for fresh consideration. Pursuant to the said direction, the Appellate Court reheard the appeal and ultimately dismissed the same, vide judgment dated 26.02.2016. While doing so, the Appellate Court directed the petitioner to pay a sum of Rs.2,60,000/- (twice the cheque amount, after deducting the amount already paid) towards compensation to the complainant within a period of two months. Contending that the judgment dated 26.02.2016 passed by the Appellate Court suffers from serious infirmity and illegality, the petitioner/accused has preferred this Criminal Revision.

2.On 06.02.2020, when the matter was taken up for consideration, the learned counsel appearing for both the parties agreed to have the matter settled by effecting payment of Rs.2,50,000/-. Accordingly, on 20.02.2020, the learned counsel for the petitioner produced three Demand Drafts totalling for a sum of Rs.2,50,000/- in favour of the respondents 2 and 3 and sought time for filing a petition to compound the offence. He has also made an endorsement to that effect.

3.Today, the learned counsel for the petitioner filed the petition seeking permission of this Court to compound the offence under Section 147 of the Negotiable Instruments Act, stating that the respondents, taking into account the amount already paid by the petitioner viz., Rs.70,000/- at the time of trial and Rs.1,35,000/- during the appeal stage, totalling Rs.2,05,000/-, have agreed to receive a further sum of Rs.2,50,000/- from the petitioner towards full and final settlement; pursuant to the same, the petitioner has paid a sum of Rs.2,50,000/- vide three DDs on 20.02.2020 and thus, he has paid a total amount of Rs.4,55,000/- to the respondents; and the respondents have agreed to compound the sentence imposed on the petitioner by the trial Court as confirmed by the Appellate Court.

4.The learned counsel appearing for the respondents fairly conceded the submissions so made on the side of the petitioner.

5.After hearing both sides and upon perusal of the materials placed before this Court and having regard to the fact that the matter being compromised and the respondents are also prepared to compound the offence, the petition filed before this Court



under Section 147 of the Negotiable Instruments Act for compounding the offence, is allowed.

6. As the offence has been compounded, this Criminal Revision Petition is allowed and the conviction and sentence imposed on the petitioner by the trial Court as confirmed by the Appellate Court are set aside and the petitioner/accused is acquitted from the charge levelled against him. It is made clear that the amount already deposited by the petitioner before the Courts below is directed to be withdrawn by the party concerned. Consequently, connected Miscellaneous Petition is closed. The bail bond, if any, executed by the petitioner shall stand cancelled and the fine amount, if any paid by the petitioner shall be refunded to him.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The XVI Additional Sessions Court, City Civil Court, Chennai
2. The XVII Metropolitan Magistrate,
Saidapet, Chennai.

+lcc to Mr.T.S.Sasikumar, Advocate, S.R.No.18290

Crl.R.C.No.476 of 2016

KS (CO)
KKV/14/07/2020