

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2020

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.1144 of 2020 and
Crl.M.P.Nos.8054, 8056 & 8062 of 2020

S.Ravikumar

... Petitioner/Acused

Vs.

G.N.Kamalanathan

... Respondent/Complainant

PRAYER: Criminal Revision Petition filed under Sections 397 r/w 401 of Criminal Procedure Code, to set aside the order judgment passed in Crl.A.No.02 of 2020 dated 12.08.2020 on the file of Principal Sessions Court at Namakkal in confirming the order of conviction dated 20.11.2019 passed in C.C.No.450 of 2015 on the file of the Judicial Magistrate No.I, Namakkal and sentencing the petitioner to undergo six month simple imprisonment under Section 138 of the Negotiable Instruments Act, 1882 r/w 255(2) Cr.P.C., and to pay compensation of Rs.12,00,000/- failing which to have to undergo one month simple imprisonment.

For Petitioner : Mr.A.Sathishkumar

For Respondent : Mr.L.Sharadhkumar

ORDER

The petitioner was convicted by judgment, dated 20.11.2019, in C.C.No.450 of 2015, by the learned Judicial Magistrate No.I, Namakkal, for offence under Section 138 of the Negotiable Instruments Act and sentenced to undergo six months Simple Imprisonment and to pay a compensation of Rs.12,00,000/- to the respondent under Section 357(3) Cr.P.C., in default, to undergo one month Simple Imprisonment. Aggrieved over the judgment of the trial Court, an appeal was preferred by the petitioner before the learned Principal Sessions Judge, Namakkal in C.A.No.2 of 2020. The learned Principal Sessions Judge, Namakkal, by judgment dated 12.08.2020, dismissed the appeal, confirming the judgment of the trial Court, against which the present revision.

2.The gist of the case is that on 10.06.2015, the petitioner has borrowed Rs.6,00,00/- (Rupees Six Lakhs Only) from the respondent for his urgent and business expenses. To discharge the liability, the petitioner gave a cheque to the respondent for Rs.6,00,000/- drawn on the Bank of Baroda, Namakkal Branch, bearing number 000105, dated 05.08.2015. When the respondent presented the cheque for collection, the cheque was returned on 06.08.2015 for the reason "Account Blocked". The respondent sent a legal notice on 24.08.2015 to the petitioner and the same was returned on 26.08.2015 as "Intimation given Door Locked". Even after getting information of the legal notice, the petitioner neither sent reply nor made the payment. Hence, the respondent lodged the above private complaint.

3.During trial, the respondent examined himself as PW1 and marked 4 documents and on the side of the defence, no witness was examined and no document was marked. After full-fledged trial, the petitioner was convicted by judgment, dated 20.11.2019, in C.C.No.450 of 2015, by the learned Judicial Magistrate No.I, Namakkal, for offence under Section 138 of the Negotiable Instruments Act and sentenced to undergo six months Simple Imprisonment and to pay a compensation of Rs.12,00,000/- to the respondent under Section 357(3) Cr.P.C., in default, to undergo one month Simple Imprisonment. Aggrieved over the judgment of the trial Court, an appeal was preferred by the petitioner before the learned Principal Sessions Judge, Namakkal in C.A.No.2 of 2020. The learned Principal Sessions Judge, Namakkal, by judgment dated 12.08.2020, dismissed the appeal, confirming the judgment of the trial Court, against which the present revision.

4.During pendency of the above revision, the parties have arrived at a settlement. Today, the petitioner, respondent and there respective counsel were present before this Court through video conference. The respondent made a categorical statement before the Court that the issues have been amicably resolved between the parties. The petitioner and the respondent have taken a decision to dissolve their issues and they file joint compromise memo dated 17.12.2020 to that effect. The respondent would state that the judgment of Courts below can be set aside.

5.When this Court enquired the petitioner and the respondent they reiterated the same. The respondent accepted the proposal of settlement and received the amount of Rs.2,50,000/-. The petitioner transferred the amount of Rs.2,50,000/- from his friend bank viz., Indian Bank, Namakkal Branch A/c.No.1177155000221819 to the respondent's bank viz., Indian Bank, Valaiyeddupu Branch, Trichirapalli

A/c.No.6320984350. The respondent verified the receipt of money and gave acknowledgement for the same.

6.In view of the above development, no useful purpose will be served by keeping the revision pending. It will be in the interest of both the parties not to keep these proceedings pending, since it will affect their future life. As per Section 147 of the Negotiable Instruments Act, 1881, every offence punishable under this Act shall be compoundable.

7.In the result, the judgment, dated 20.11.2019, in C.C.No.450 of 2015, passed by the learned Judicial Magistrate No.I, Namakkal and the judgment dated 12.08.2020 passed by the learned Principal Sessions Judge, Namakkal in C.A.No.2 of 2020 are set aside and the revision is, accordingly, allowed. The petitioner is acquitted of all the charges levelled against him. Consequently, the connected Criminal Miscellaneous Petitions are closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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1.The Judicial Magistrate Court No.I,
Namakkal.

2.The Principal Sessions Court,
Namakkal.

3.The Chief Judicial Magistrate,
Namakkal

+1 cc to Mr.A.Sathish kumar Advocate sr42358

Cr1.R.C.No.1144 of 2020

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