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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2021

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case No.145 of 2020
and
Crl.M.P.Nos.7443 and 8963 of 2021

R.Sasikala

... Revision Petitioner

Vs.

M.Bhuvaneswari

... Respondent

Criminal Revision Case filed under Section 397 read with 401 Cr.P.C. praying to call for the entire case records pertaining to Criminal Appeal No.151 of 2019 and set aside the totally erroneous and perverse order of conviction and sentence passed by the learned 1st Additional District and Sessions Judge, Coimbatore, dated 30.10.2019 in C.A.No.151 of 2019, confirming the conviction and sentence passed by the learned Fast Track court No.II at Coimbatore, in C.C.No.1348 of 2017 dated 12.04.2019 by allowing the present criminal Revision filed by the accused.

For Petitioner : Mr.T.M.Shivakumar for
Mr.S.Prabhu
For Respondent : Mr.B.Thirumalai

O R D E R

(The case has been heard through video conference)

The Criminal Revision Case has been filed against the Judgment dated 30.10.2019 passed by the learned I Additional District and Sessions Judge, Coimbatore, in C.A.No.151 of 2019, confirming the order of conviction and sentence passed by the learned Judicial Magistrate, Fast Track Court No.II, Coimbatore, in C.C.No.1348 of 2017 dated 12.04.2019.

2. The respondent is complainant and the petitioner is accused. The respondent had filed a private complaint under Section 200 Cr.P.C. for the offence under Section 138 of Negotiable Instruments Act before the Judicial Magistrate, Fast



Track Court No.II, Coimbatore, and the learned Magistrate taken cognizance of the complaint in C.C.No.1348 of 2017. After enquiry, the learned Magistrate convicted the petitioner and sentenced him to undergo six months simple imprisonment and to pay the cheque amount of Rs.4,00,000/- as compensation with 6% interest from the date of cheque, in default to undergo 3 months simple imprisonment.

3. Challenging the said order of conviction and sentence, the petitioner herein filed an appeal before the Principal District and Sessions Judge, Coimbatore. The learned Principal District and Sessions Judge, Coimbatore, taken the appeal on file in Crl.A.No.151 of 2019 and made over to case to the I Additional District and Session Judge, Coimbatore for disposal. The learned I Additional District and Sessions Judge, after hearing the arguments, dismissed the appeal by Judgment dated 30.10.2019 and confirmed the conviction and sentence passed by learned Magistrate.

4. Again challenging the said Judgment of dismissal of appeal, the petitioner has filed the present revision before this Court.

5. During the pendency of the revision, both the parties said to have arrived at a settlement and they have filed a Joint Compromise Memo dated 31.08.2021. Since, the offence under Section 138 of Negotiable Instruments Act is a compoundable offence, the parties could compound the matter, Provided that they settle the matter after filing the complaint. During the pendency of the trial, they have to deposit 10% of the cheque amount as cost. If they settle the matter pending appeal or revision before the High Court, they have to pay 15% of the cheque amount as cost. Therefore this Court had directed the petitioner/accused vide Crl.M.P.No.8963 of 2021 dated 07.09.2021 to pay 15% of the cheque amount and the petitioner/accused has also deposited 15% of the cheque amount i.e. Rs.60,000/- (Rupees Sixty Thousand Only) before this Court vide Demand Draft No.754769 dated 22.09.2021 drawn from Karur Vysys Bank, Coimbatore, drawn in favor of "The Registrar General High Court, Madras, payable at Chennai on 24.09.2021.

6. Therefore, since the offence under Section 138 of Negotiable Instruments Act is a compoundable offence and both the parties have filed a Memorandum of Joint Compromise and considering the facts and circumstances of the case, accepting the Joint Compromise Memo filed by both the parties, the Criminal Revision Case is allowed. The conviction and sentenced passed by the learned Judicial Magistrate, Fast Track Court No.II, Coimbatore, in C.C.No.1348 of 2017 dated 12.04.2019 and



confirmed by the learned I Additional District and Sessions Judge, Coimbatore, in C.A.No.151 of 2019, dated 30.10.2019 are hereby set aside. The Memorandum of Joint Compromise dated 31.08.2021 shall be treated as part and parcel of this order.

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7. The respondent/complainant is permitted to withdraw the amount of Rs.2,00,000/- (Rupees Two Lakhs Only) deposited by the petitioner before the Judicial Magistrate, Fast Track Court No.II, Coimbatore, in C.C.No.1348 of 2017.

8. With the above observations, this Criminal Revision Case is allowed. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS VIII)

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Sub Assistant Registrar

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To

1. The I Additional District and Sessions Judge,
Coimbatore.
2. The Judicial Magistrate, Fast Track Court No.II,
Coimbatore.

+1CC to Mr.B.Thirumalai, Advocate, Sr.No.50670

Cr1.R.C.No.145 of 2020

AD (CO)

K.RK. (18.10.2021)