

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2021

CORAM :

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

CRL.R.C.NO.146 OF 2021

AND

CRL.M.P.NO.3098 OF 2021

E.Jayachitra

... Petitioner

.Vs.

S.Anand

... Respondent

PRAYER :

Criminal Revision case is filed under Sections 397 r/w 401 of Cr.P.C. seeking to call for the records and set aside the judgment of the Appellate Court made in C.A.No.30 of 2019 dated 13.08.2019 on the file of the learned XVII Additional City Civil Judge at Chennai in dismissing the appeal filed by the petitioner/appellant herein and confirming the conviction and sentence passed by the learned Metropolitan Magistrate, Fast Track Court No.II, Egmore, Chennai-8, by the judgement dated 29.11.2018 in C.C.No.912 of 2016 convicting the petitioner herein for the alleged offence under section 138 of the Negotiable Instruments Act and sentencing him to undergo one year Simple Imprisonment and to pay compensation of Rs.6,00,000/- (Rupees Six Lakhs) within one month in default of payment of such compensation to undergo 3 months Simple Imprisonment.

सत्यमेव जयते

For Petitioner : Mr.M.Maharaja

For Respondents : Mr.C.P.Hem Kumar for
M/S.Ganesh and Ganesh

O R D E R

This Criminal Revision has been filed seeking to call for the records and set aside the judgment of the Appellate Court made in C.A.No.30 of 2019 dated 13.08.2019 on the file of the

learned XVII Additional City Civil Judge, Chennai, in dismissing the appeal filed by the petitioner/appellant herein and confirming the conviction and sentence passed by the learned Metropolitan Magistrate, Fast Track Court No.II, Egmore, Chennai-8, by the judgement dated 29.11.2018 in C.C.No.912 of 2016.

2. The petitioner is the accused and the respondent is complainant. The respondent filed the complaint before the learned Metropolitan Magistrate, Fast Track Court No.II, Egmore, Chennai-8 in C.C.No.912 of 2016 for the offence punishable under section 138 of N.I. Act. The learned Magistrate after enquiry convicted the petitioner and imposed a sentence to undergo one year Simple Imprisonment and to pay compensation of Rs.6,00,000/- (Rupees Six Lakhs) to the respondent/complainant within one month in default of payment of such compensation to undergo 3 months Simple Imprisonment. Challenging the said Judgement of conviction and sentence, the petitioner herein filed the appeal before XVII Additional City Civil Judge, Chennai in C.A.No.30 of 2019. After hearing the appeal, the learned Sessions Judge dismissed the appeal and confirmed the conviction and sentence passed by the Magistrate. Again challenging the judgement of the Appellate Court, the petitioner has filed the present revision before this Court.

3. When the matter taken up for hearing, the learned counsel for the petitioner and respondent would submit that both the parties have settled the matter and they have also filed a joint compromise memo and also deposited 15% of the cheque amount before the Registry for compounding the offence.

4. Heard and perused the records.

5. Since the offence under section 138 of N.I. Act is a compoundable offence, as per the guidelines laid down by the Supreme Court in the case of "Damodar S Prabhu Vs Sayed Babalal H" reported in 2010(5) SCC 663, if the matter is pending before the High Court, the parties can compound the offence and deposit 15% of the cheque amount. Therefore, the Revision petitioner, to compound the offence, deposited 15% of the cheque amount and a joint compromise memo has been filed by the parties in this regard and the same is recorded. The revision is therefore, allowed. The order and judgment passed by the learned Magistrate and Appellate Court are set aside and the terms of the compromise memo shall form part and parcel of this order. The Superintendent of Jail, Special Prison for Women, Puzhal,

Chennai, is directed to release the Revision Petitioner immediately, if she is not required for any other case. Connected Miscellaneous Petition is closed.

* Xerox copy of Joint Memo of Compromise
dated 16.03.2021, USR.2331
dated 17.03.2021, USR.2353 enclosed

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

mpa

To

1. The XVII Additional City Civil Judge at Chennai.
2. The Metropolitan Magistrate,
Fast Track Court No.II, Egmore, Chennai-8,
3. The Superintendent of Jail,
Special Prison for Women, Puzhal, Chennai.

Copy To
The Section Officer,
Criminal Section,
High Court, Madras-104.

+1cc to Mr.M.Maharaja, Advocate in Sr.No.17196

CrI.R.C.No. 146 of 2021
and CrI.M.P.No.3098 of 2021

BS (CO)
CS/18/03/2021

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