



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.08.2021

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.R.C.No.167 of 2021 and  
Crl.M.P.Nos.3596, 3598, 3600 and 3601 of 2021

Kannappan ... Petitioner/Accused  
Vs.  
Gopalakrishnan ... Respondent/Complainant

The Criminal Revisions filed under Section 397 read with 401 of Code of Criminal Procedure seeking to call for the records in respect of the impugned judgment of the III Additional District and Sessions Court, Tiruvallur at Poonamallee in Crl.A.No.93 of 2017 dated 17.12.2020 confirming the conviction dated 09.06.2017 in S.T.C.No.234 of 2015 on the file of the Fast Track Magisterial Level No.II, Poonamallee, Tiruvallur District, and set aside the same.

For Petitioner : Mr.B.Janakiram

For Respondent : Mr.A.M.Rahamath Ali

ORDER

This criminal revision is preferred against concurrent judgments of the Courts below convicting the petitioner for offence under Section 138 of Negotiable Instruments Act and sentencing him to undergo simple imprisonment for a period of six months and to pay a sum of Rs.3,50,000/- as compensation under Section 357(3) Cr.P.C. in default, to undergo simple imprisonment for a further period of three weeks.

2 When the matter was called on 28.07.2021, both the learned counsel for the petitioner as well as the respondent informed that settlement has been reached between the parties and joint memo of compromise has also been filed by the petitioner/accused informing that the matter has been compromised between him and the respondent/complainant and this Court may set aside the conviction rendered by the trial Court in STC.No.234 of 2015 dated 09.06.2017 and as confirmed by the judgment dated 17.12.2020 made in C.A.No.93 of 2017 by the learned III Additional District and Sessions Judge, Tiruvallur at Poonamallee.



3 Hence, by order dated 28.07.2021, this Court directed the petitioner/accused to deposit 15% of the cheque amount on or before 11.08.2021 and the matter was directed to be listed on 12.08.2021.

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4 Accordingly, today i.e. 12.08.2021, when the matter is called, the learned counsel stated that as directed, 15% of the cheque amount has been paid and proof for the same has also been filed before this Court.

3 Taking into consideration the joint memo of compromise filed by the petitioner/accused and the respondent/complainant and also the above payment, this Court records compounding of offence under Section 138 of the Negotiable Instrument Act. This Criminal Revision Case shall stand allowed and the offence under Section 138 of Negotiable Instruments Act tried in STC.No.234 of 2015, on the file of the Fast Track Court, Magisterial Level No.II, Poonamallee, shall stand compounded. According to Section 320(8) Cr.P.C., the petitioner/accused shall stand acquitted of all charges against him. The joint memo of compromise dated 30.06.2021 shall form part of this order. Fine amount, if any, paid by the petitioner shall be refunded to him. Consequently connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The III Additional District and Sessions Court,  
Tiruvallur at Poonamallee.

2. The Fast Track Court, Magisterial Level No.II,  
Poonamallee, Tiruvallur District

+3cc to Mr.B.Janakiram, Advocate, S.R.No.40158

CrI.R.C.No.167 of 2021 and  
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and 3601 of 2021

SJ(CO)  
GN(14/09/2021)