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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.12.2021.

CORAM

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.RC.No.339 of 2020

and

Crl.M.P.Nos.11805 and 12750 of 2021

Tmt.Latha

... Petitioner/Accused

vs.

Smt.K.A.Letha

... Respondent/Complainant

Prayer:- This Criminal Revision Petition filed under Section 397 & 401 of the Code of Criminal Procedure, pleaded to call for the records in Criminal Appeal No.20 of 2019 on the file of the III Additional District & Sessions Judge, Tiruvallur at Poonamallee dated 21.01.2020 and confirm the order dated 18.12.2018 passed by the Judicial Magistrate-II, Fast Track Court, Poonamallee in S.T.C.No.86 of 2016.

For Petitioner : Mr.M.Kempraj

For Respondent : Mr.D.J.Venkatesan

ORDER

The Criminal Revision Petition has been filed to call for the records in Crl.A.No.20 of 2019 passed by the learned III Additional and Sessions Judge, Thiruvallur, Poonamalle dated 21.01.2020 reversing the order dated 18.12.2018 passed by the Judicial Magistrate II, Fast Track Court, Poonamalle in S.T.C.No.86 of 2016.

2. For the sake of convenience, the parties are referred to as per their rank before the Trial Court

3. The respondent/complainant had filed S.T.C.No.86 of 2016 before the Judicial Magistrate II, Fast Track Court, Poonamallee against the petitioner/accused for the offence under Section 138 Negotiable Instruments Act, in respect of return of cheque bearing No.029502 dated 10.10.2015 drawn on ICICI Bank, Kamaraja Nagar, Avadi branch for a sum of Rs.2,70,000/- (Rupees Two lakhs and seventy thousand only).



10. Both the complainant as well as the accused are present before this Court. This Court enquired them, they also submitted that the complainant has received an amount of Rs.3,25,000/- as full quit and she has also stated no objection for the offence being compounded. The said memo signed by both the parties and their respective counsel is recorded.

11. The learned Counsel for the petitioner/accused submitted that though, as per the judgment in Damodar S.Prabhu v. Sayed Babalal H. reported in 2010 (5) SCC 663, the petitioner has to pay 15% of the cheque amount towards costs, taking into consideration, the pandemic situation the payment of cost may be waived.

12. In view of the above, the order passed by the appellate Court in CrI.A.No.20 of 2019 on the file of the III Additional District & Sessions Judge, Poonamallee dated 21.01.2020 stands set aside and the petitioner/accused is acquitted from the offences.

13. It is to be noted, though only criminal appeal has to be preferred as against the order of conviction, the accused herein has preferred criminal revision, however, since the matter has been compromised between the parties, no further order is required.

14. In view allowing the Criminal Revision, the warrant issued by the trial Court on 23.10.2021 against the petitioner/accused stands set aside. Consequently, the connected CrI.MP.No.12750 of 2021 is ordered and the CrI.MP.No.11805 of 2021 is closed.

Sd/-
Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

tsh/ham

To

1. The Judicial Magistrate-II,
Fast Track Court,
Poonamallee.



2. The III Additional District & Sessions Judge,
Tiruvallur, Poonamallee.

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+2ccs to M/s.M.Kempuraj, Advocate, S.R.No.63103

+1cc to M/s.D.J.Venkatesan, Advocate, S.R.No.63972

Cr1.RC.No.339 of 2020

VG-II (CO)
SU(20/12/2021)