

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2021

C O R A M

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.R.C.Nos. 213, 216, 217 & 219 of 2021 &
Crl.M.P.Nos.4920, 4937, 4940 & 4975 of 2021

M.Saravanan ... Petitioner in Crl.R.C.No.213 of 2021
Sivakumar ... Petitioner in Crl.R.C.No.216 of 2021
Babu ... Petitioner in Crl.R.C.No.217 of 2021
Ganesan ... Petitioner in Crl.R.C.No.219 of 2021

Vs.

Mohan ... Respondent in all Revisions

PRAYER in all Revisions: Criminal Revisions are filed under 397 r/w 401 of Cr.P.C. to set aside the order of conviction in Criminal Appeal Nos.154, 155, 153 and 152 of 2018 passed by the learned II Additional District and Sessions Judge, Thiruvalur, Ponnammallee, dated 10.09.2019, by confirming the conviction and sentence imposed on the petitioner respectively, by the learned Fast Track Court Magisterial Level No.II, Ponnammallee, Thiruvallur District in S.T.C.Nos.299, 300, 298 and 297 of 2016, dated 02.08.2018.

For Petitioner in
all Revisions : Mr.Jerry V.V.Sundar
For Mr.M.K.Gauthaman

For Respondent in
all Revisions : Mr.R.Ranjith Kumar

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C O M M O N O R D E R

These Criminal Revision Cases have been filed to set aside the orders dated 10.09.2019 made in Criminal Nos.154, 155, 153 and 152 of 2018, on the file of the learned II Additional District and Sessions Judge, Thiruvalur, Ponnammallee, confirming the orders passed by the learned Fast Track Court Magisterial Level No.II, Ponnammallee, Thiruvallur District in S.T.C.Nos.299, 300, 298 and 297 of 2016, dated 02.08.2018.

2. When these Revisions came up for hearing on 20.04.2021, it is informed by the learned counsel on either side that subsequent to the confirmation of conviction in Appeal, the parties have arrived at a compromise, and hence prayed to compound the offence. Therefore, this Court, directed the petitioner/accused in all the Revisions, to deposit 15% of the cheque amount for compounding the offence, as per the guidelines of the Hon'ble Supreme Court in Damodar S.Prabhu Vs. Sayed Babala H reported in [2010 5 SCC 663] before the Registry on or before 23.04.2021.

3. Today, it is represented by the learned counsel that the order passed by this Court dated 20.04.2021, has been complied with and also produced the Demand Drafts for the payment of 15% of the cheque amount deposited by the petitioner respectively before the Registry and also produced the Memo of Compromise dated 27.04.2021, signed by both the parties.

4. Keeping in view of the above fact, since offence under Section 138 of the Negotiable Instruments Act can be compounded at any stage of the proceedings and now, the matter has been amicably settled between the parties and also filed a Memo of Compromise, dated 27.04.2021, and also considering the fact that the petitioner/accused in all the Revisions have also deposited 15% of the cheque amount respectively before the Registry, the offence under Section 138 of the Negotiable Instruments Act shall stand compounded and the revision petitioners be acquitted of the charges convicted against them.

5. In fine, all the Criminal Revision Cases are allowed and the orders passed by the Courts below are set-aside. The Memo of compromise dated 27.04.2021, shall form part of the order. The petitioner, in all the Revisions, are directed to be released forthwith and the bail bond executed by them, if any shall stand cancelled. 15% of the cheque amount deposited by the petitioner in all the Revisions, before the Registry shall be transferred to the account of the Tamil Nadu Legal Services Authority, forthwith. Consequently, connected miscellaneous petitions are closed.

*Copy of the Joint Memo enclosed

Sd/-

Assistant Registrar (CS-VIII)

//True copy//

Sub Assistant Registrar

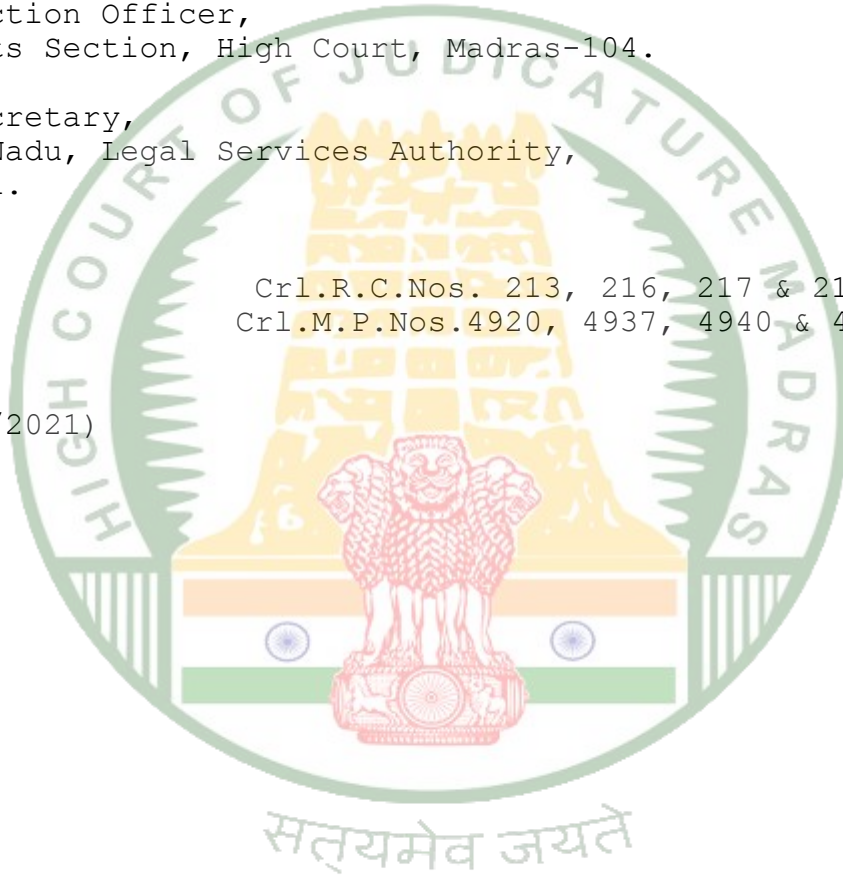
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To

- 1.The II Additional District and Sessions Judge,
Thiruvallur, Ponnammallee,
- 2.The Fast Track Court Magisterial Level No.II,
Ponnammallee, Thiruvallur District
3. The Superintendent Central Prison,
Puzhal Jain, Chennai
4. The Section Officer,
Accounts Section, High Court, Madras-104.
5. The Secretary,
Tamil Nadu, Legal Services Authority,
Chennai.

Crl.R.C.Nos. 213, 216, 217 & 219 of 2021 &
Crl.M.P.Nos.4920, 4937, 4940 & 4975 of 2021

LN(CO)
GMY(11/05/2021)



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