

Crl.M.P.No.4070 of 2021
in
Crl.R.C.No.436 of 2014

A.D.JAGADISH CHANDIRA, J.

For the sake of convenience the petitioner and the respondent will be referred to as accused and complainant respectively.

2.It is the case of the complainant is that the complainant is running a Finance Company viz., Shri Gokulam Chit and Finance Company Pvt., Ltd., in which, Mr.Karnan, the Legal Assistant is the authorised signatory. The accused joined the monthly chit No.G2G 34/16 and was paying an amount of Rs.15,000/- per month and further he joined another monthly chit No.G2G 121 for a sum of Rs. 15,000/- per month, for which, the accused had offered a cheque bearing No.251889 drawn on Lord Krishna Bank for a sum of Rs.1,63,893/-, on 18.04.2006. When the cheque was presented for encashment, it was returned with an endorsement “the account of the accused was closed on 15.05.2006”. Thereafter, the complainant had issued legal notice to the accused on 30.05.2006. The accused had knowingly issued a cheque with an intention to cheat the complainant. Hence, the complaint.

3.After complying with the legal requirements, the complainant initiated a proceedings in C.C.No.6359 of 2006, before the learned XIV Metropolitan Magistrate, Egmore, Chennai under Section 138 of the Negotiable Instruments Act, 1881 (for brevity “the N.I.Act”) against the accused, in which, the Trial Court, by the Judgment and order dated 03.12.2011, convicted the accused and sentenced him to undergo one year simple imprisonment and to pay a fine of Rs.3,000/- in default of payment of fine, he has to undergo six months simple imprisonment.

4.Aggrieved against the same, the accused had preferred the Criminal Appeal in C.A.No.255 of 2011 and the same was dismissed by the learned V Additional Judge, in charge of the I Additional Sessions Court, Chennai on 24.01.2014. Challenging the concurrent findings of the Courts below, the accused has filed the Criminal Revision in Crl.R.C.No.436 of 2014, before this Court.

5.Heard Mr.S.B.Viswanathan, learned counsel appearing for the petitioner and Ms.Sunita Kumari, learned counsel appearing for the respondent.

6. When the matter was taken up for hearing, the learned counsel appearing for the parties submitted that the parties have arrived at an amicable settlement and prayed for compounding the offence under Section 147 of the N.I. Act. A petition in Crl.M.P.No.4070 of 2021 in Crl.R.C.No.436 of 2014 has been filed for compounding the offence.

7. In support of the compounding application, the complainant had filed an affidavit dated 29.03.2021 vide USR No.2822 and had filed a Joint petition for compounding the offence under Section 147 of the N.I. Act, dated 10.03.2021, vide SR No.10621. In the Joint compromise petition, dated 10.03.2021, it is stated as follows:

“JOINT PETITION FILED BY THE PETITIONER AND THE RESPONDENT

1) The petitioner filed the above Criminal Revision Case as against the Judgment passed in Crl.A.No.255 of 2011 by the I Additional Sessions Court, Chennai dated 24.01.2014 confirming the Judgment passed in C.C.No.6359 of 2006 by the XV Metropolitan Magistrate Court, Egmore dated 03.12.2011 convicting the petitioner for offence under Section 138 of Negotiable Instruments Act.

2) The trial Court, while convicting the petitioner for the offence under Section 138 of Negotiable Instruments Act, imposed a

sentence of 1 year simple imprisonment and a fine of Rs,3,000/- (Rupees three thousand only) in default to undergo 6 months Simple Imprisonment. The amount of the cheque involved in the above case is Rs.1,63,893/- (Rupees One Lakh Sixty Three Thousand Eight Hundred and Ninety Three only).

3)During pendency of the above Criminal Revision Case the petitioner discharged the debt due to the respondent herein on 20.08.2018 and the respondent issued a letter of confirmation dated 20.08.2018 stating that the petitioner's chit account in Group No.G2G/121/KDM/10 was closed. Thus the dispute between the petitioner and the respondent was resolved amicably out of court.

4)Since, the dispute between the petitioner and the respondent was resolved out of the court, both the petitioner and the respondent jointly want to compound the offence under Section 138 committed by the petitioner. Under the above circumstances unless this Honourable Court pleases to permit the petitioner and the respondent to compound the offence under Section 138 of the Negotiable Instrument Act and close the above Criminal Revision Case, they will be put to irreparable loss and hardship.

Therefore, the petitioner and respondent jointly pray that this Honourable Court may be pleased to permit the petitioner and the respondent to compound the offence under Section 138 of the Negotiable Instrument Act and close the above Criminal Revision Case and thus render justice.”

8.In view of the above, the offence stands compounded under Section 147 of the N.I.Act and the Judgment and order passed by the Appellate Court in Crl.A.No.255 of 2011 dated 24.01.2014 and the Trial Court in C.C.No.6359 of 2006 dated 03.12.2011 are hereby set aside and the accused is acquitted from the charges levelled against him. Fine amount if any, paid by the accused shall be refunded. Bail Bond if any executed shall stand cancelled. Registry is directed to transmit the original records if any, to the Courts concerned forthwith.

9.In the result, this Criminal Miscellaneous petition stands ordered as prayed for.

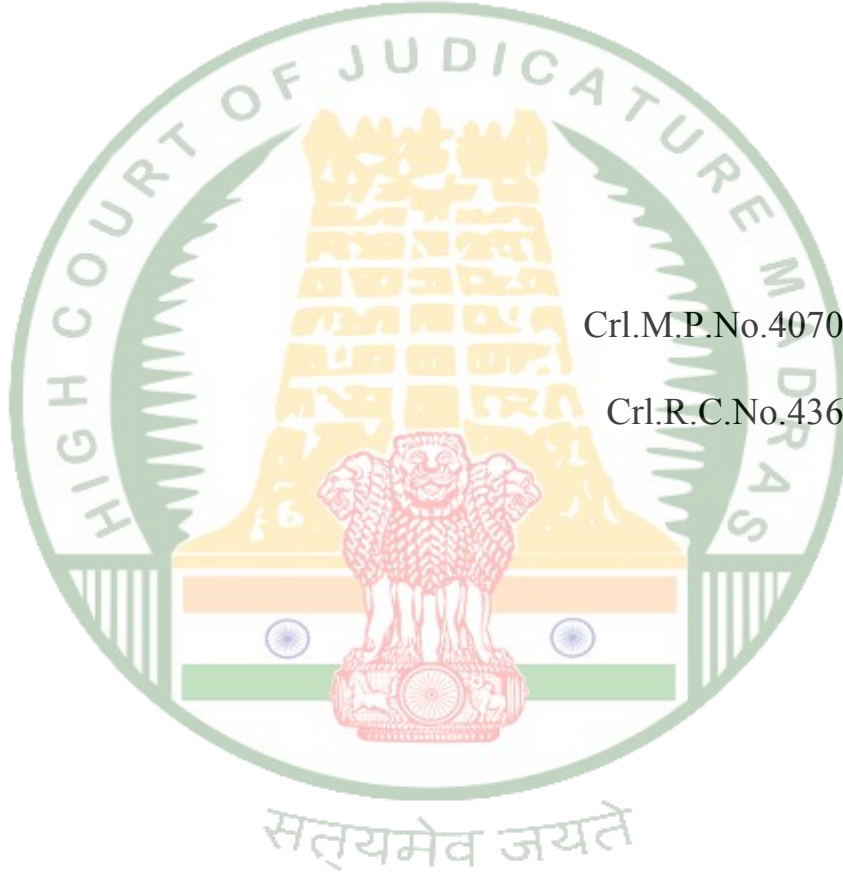
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