



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :26.08.2021

CORAM:

THE HON'BLE MR.JUSTICE P.VELMURUGAN

CRL.R.C.No.431 of 2019
and
Crl.M.P.No.8422 of 2021

V.Sadagopan
Proprietor,
M/s.Sivanand Tex.
No.4, T.v.Nagar North,
Sirupooluvapatti Post,
Tirupur.

... Petitioner

Versus

Sri Meenakshi Sundaram Textiles,
Rep. By its Proprietor,
Mr.M.Thiyagarajan,
Rep. By his Power of Attorney Holder
Mr.T.Meenakshisundaram
S/o, Mr.M.Thiyagarajan
Door No.13, T.S.Puram,
Oothukuli road,
Tirupur.

... Respondent

PRAYER:

Criminal Revision Petition filed under Section 397 read with 401 of the Code of Criminal Procedure, to call for the records and set aside the order and judgment dated 11.01.2019 in C.A.No.49 of 2017 passed by the Learned II Additional District and Sessions Judge, Tirupur, thereby dismissing the appeal and confirming the order and judgment dated 26.04.2017 in S.T.C.No.3736 of 2008 passed by the Learned Judicial Magistrate No.I, Tirupur.

For Petitioner : Mr.S.Diwakar
for Mr.R.Baskar

For Respondent : Mr.S.N.Arunkumar

ORDER

This Criminal Revision Petition has been filed to call for the records and set aside the order and judgment dated 11.01.2019 in C.A.No.49 of 2017 passed by the learned II



Additional District and Sessions Judge, Tirupur, confirming the order and judgment dated 26.04.2017 in S.T.C.No.3736 of 2008 passed by the learned Judicial Magistrate No.I, Tirupur.

2. The petitioner is the accused and the Respondent is the complainant.

3. The respondent/complainant filed a private complaint against the petitioner/accused under 200 Cr.P.C, for the offence under Section 138 of the Negotiable Instruments Act, before the Judicial Magistrate No.I, Tirupur in S.T.C.No.3736 of 2008. The learned Magistrate found the petitioner guilty for the offence under Section 138 of the Negotiable Instruments Act, convicted him and sentenced to undergo one year rigorous imprisonment and also imposed a fine of Rs.2,000/- in default to undergo three months rigorous imprisonment and also directed to pay a sum of Rs.13,39,935/- as compensation. Challenging the same, the petitioner filed an appeal before the II Additional District and Sessions Judge, Tirupur in Crl.A.No.49 of 2017. The II Additional District Sessions Judge after hearing the arguments advanced on either side, dismissed the appeal and confirmed the conviction and sentence passed by the Magistrate. Challenging the judgment of the appellate court, the petitioner has come before this Court by way of this Revision and the petitioner has filed a miscellaneous petition in Crl.M.P.No.8422 of 2021 for compounding the offence.

4. The learned counsel for the petitioner would submit that he had paid the entire compensation amount to the respondent/complainant and therefore, he filed the petition for compounding the offence.

5. When the matter came up for hearing on 11.08.2021, this Court directed the petitioner to deposit 15% of the cheque amount before the Registry as costs as per the guidelines laid down by the Honourable Supreme Court in the case of Damodar S.Prabhu Vs. Sayed Babalal H, dated 3rd May 2010. If the offence under Section 138 of the Negotiable Instruments Act is sought to be compounded, when the matter is pending before the High Court, 15% of the cheque amount has to be paid by way of costs. Therefore, this Court has directed the petitioner to pay the said amount. The petitioner has filed a memo stating that he has remitted a sum of Rs.1,70,990/- before the Registry. The abovesaid memo is taken on record.

6. Since the offence under Section 138 of the Negotiable Instruments Act is a compoundable offence and the matter is settled between the parties, the miscellaneous petition in Crl.M.P.No.8422 of 2021 is allowed. In view of the same, the revision is allowed and the conviction order passed by the Judicial Magistrate is set aside. While suspending sentence, this Court had directed the petitioner to deposit 50% of the



cheque amount on the file of the the Judicial Magistrate No.I, Tirupur, in S.T.C.No.3736 of 2008. Now the matter is settled and the said 50% compensation is deposited in an interest bearing account, the Judicial Magistrate shall permit the ***respondent** to withdraw the deposited amount, including interest. Accordingly, the Criminal Revision Case is allowed. Consequently, connected miscellaneous petition in CrI.M.P.No.8422 of 2021 is also allowed.

Sd/-
Assistant Registrar(CS V)

//True Copy//
***corrected as per of this
Court dated 13.09.2021**

Sub Assistant Registrar

mfa
To

- 1.The II Additional District and Sessions Judge,
II Additional District and Sessions Court,
Tirupur,
2. The Judicial Magistrate No.I,
Judicial Magistrate No.I Court,
Tirupur.

Copy to:
The Section Officer,
Criminal Section(Records),
High Court, Madras

+3ccs to Mr.R.Baskar, Advocate SR.No. 43307, 42939

CRL.R.C.No.431 of 2019
and
CrI.M.P.No.8422 of 2021

A.SK(24.09.2021)