



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Tenth day of December Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL MISCELLANEOUS PETITION No.10868 of 2021

IN CRL RC.640/2021

M.RAJESH SARAVANANAN

[PETITIONER/APPELLANT]

Vs

M.BABY

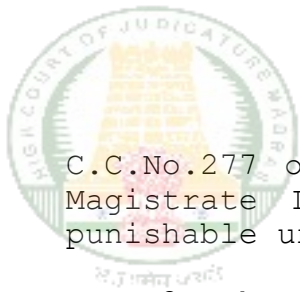
[RESPONDENT]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to compound the offence under section 147 of the Negotiable Instruments Act for which the petitioner is convicted in CC No.277 of 2013 on the file of the learned Judicial Magistrate Fast Track No.1 (Magisterial Level) Coimbatore and confirmed in CA No.137 of 2017 by the learned III Additional District and Sessions challenged in the above criminal revision No.640 of 2021 and pass such further or other orders as this Hon'ble Court deem fit and proper in the circumstances of the case and thus render justice.

Order : This petition coming on for orders upon perusing the petition and the filed in support thereof and upon hearing the arguments of M/S.M.DEVARAJ, Advocate for the petitioner and of M/S R.JYOTHI, Advocate on behalf of the Respondent the court made the following order:-

For the sake of convenience, the parties are referred to as complainant and the accused.

2. In respect of a financial transaction, the accused had issued a cheque dated 20.2.2012 bearing No.75143 for Rs.1,00,000/- drawn on HDFC Bank, DB Road, R.S.Puram, Coimbatore. The complainant had presented the cheque and it was returned unpaid by the Banker stating that the account was closed on 4.8.2012. The complainant had sent a statutory notice on 16.8.2012. The accused neither replied to the notice nor paid the amount. Thereby, the complainant had filed



C.C.No.277 of 2013 on the file of the Judicial Magistrate (FTC) at Magistrate Level, Coimbatore against the accused for the offence punishable under Section 138 of the Negotiable Instruments Act.

3. The Trial Court, by order dated 25.5.2017, found the accused guilty for the offence under Section 138 of the Negotiable Instruments Act, convicted him thereunder and sentenced him to undergo simple imprisonment for a period of six months and also to pay a fine of Rs.1,00,000/- within two months from the date of judgment failing which, directed to undergo simple imprisonment for a period of two months. Against the said conviction and sentence, the accused had filed Criminal Appeal No.137 of 2017 on the file of the III Additional District and Sessions Court, Coimbatore. The Appellate Court, by order dated 26.9.2019, dismissed the appeal and confirmed the conviction and sentence imposed by the Trial Court against which the present Criminal Revision Case has been filed.

4. When the revision is pending, the parties have arrived at a settlement, pursuant to which, the petitioner/accused has paid a sum of Rs.1,50,000/- to the complainant and based on the compromise, the parties an Application has been filed before this court for compounding the offence alongwith a joint affidavit of the parties.

5. This court, by order dated 27.10.2021, had directed the accused to deposit 15% of the cheque amount by way of cost, pursuant to which, the petitioner has also paid Rs.15,000/- by way of Demand Draft in favour of the Registrar General, High Court, Madras vide Roc.No.121721/2021. The parties have compounded the offence and therefore, the petition stands allowed.

-sd/-
10/12/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.



TO

1 THE III ADDITIONAL DISTRICT
AND SESSIONS JUDGE, COIMBATORE.

2 THE JUDICIAL MAGISTRATE,
FAST TRACK COURT-1 (MAGISTRATE LEVEL),
COIMBATORE.

3 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION]

4 THE REGISTRAR GENERAL,
HIGH COURT, MADRAS.

C.C. to M/S.M.DEVARAJ Advocate on payment of necessary charges

Order

in
CRL MP.10868/2021

in
CRL RC.640/2021

Date :10/12/2021

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RW 06/01/2022