

Bail Slip

The Petitioner/Accused Viz., R.Govindaraj, was directed to be released on bail vide order dated 07/12/2018 in Crl.M.P.No.16592/2018 in Crl.R.C.No.1417 of 2018.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.12.2021

CORAM :

THE HONOURABLE MS. JUSTICE R.N.MANJULA

Crl.R.C.No.1417 of 2018
and Cr.M.P.No.12441 of 2021

R.Govindaraj .. Petitioner

Vs.

Pradeep Chordia .. Respondent

PRAYER : Criminal Revision Cases have been filed under sections 397 read with 401 of Criminal Procedure Code to set aside the judgment of conviction and sentence passed in C.C.No.943 of 2011, dated 30.09.2014 passed by the learned Metropolitan Magistrate, Fast Track Court-I, Egmore, Chennai and confirming the same in C.A.No.268/2014, dated 03.11.2018 by the IV Additional Sessions Judge, Chennai.

For Petitioner : Mr.V.Vijayakumar

For Respondent : Mr.M.Mohammed Rafi

ORDER

This Criminal Revision Case has been filed challenging the judgment of the learned IV Additional Sessions Judge, Chennai dated 03.11.2018 passed in C.A.No.268 of 2014, confirming the conviction and sentence passed by the learned Metropolitan Magistrate (Fast Track Court-I), Chennai dated 30.09.2014 passed in C.C.No.943 of 2011.

2. The petitioner is the accused. The respondent is the defacto complainant. This case has arisen out of a private complaint given by the respondent/complainant on the allegations that the cheque issued by the petitioner/accused for discharging the debt owed by him, got returned due to "Insufficient funds". After issuing the statutory legal notice and after complying the

due legal mandates, the private complaint was filed against the accused before the learned Metropolitan Magistrate, Fast Track Court-I, Chennai, for the offence under Section 138 r/w 142 of the Negotiable Instruments Act.

3. After the conclusion of the trial and on considering the materials available on record, the learned Metropolitan Magistrate Fast Track Court-I, Chennai found the accused guilty, convicted and sentenced him for the offence under Section 138 of the Negotiable Instruments Act. Against which, the petitioner/accused has filed an appeal in C.A.No.268 of 2014 before the learned IV Additional Sessions Judge, Chennai, was dismissed. Aggrieved over that, the petitioner/accused has preferred this Criminal Revision Case.

4. When the matter was taken on 08.12.2021, both sides counsel represented that the parties had compromised the matter and they have filed a joint memo of compromise. The revision petitioner/accused and the respondent/complainant were also present through video conference and when enquired, they said that they had consented to the terms of compromise by understanding the same. Hence, the joint memo of compromise is recorded.

5. In view of the compromise arrived at between the parties, this Criminal Revision Case is disposed of as settled out of Court . Consequently, connected criminal miscellaneous petition is also closed. The Judgment of the learned Metropolitan Magistrate, Fast Track Court-I, Chennai, dated 30.09.2014 passed in C.C.No.943 of 2011 is set aside. The order as to compensation has already been complied.

6. In the criminal miscellaneous petition (Crl.M.P.No.16592 of 2018) filed to enlarge the petitioner/accused on bail, this Court passed a conditional order on 18.12.2018, directing the petitioner/accused to deposit the compensation amount of Rs.5,62,500/- with the trial Court deposit. The condition was complied and that the same was not denied by the respondent/complainant as well.

7. Now, the respondent/complainant has filed a petition in Crl.M.P.No.12441 of 2021 praying permission of this Court to withdraw the said compensation sum already deposited by the accused to the account of the trial Court.

8. The accused has got no objection to grant permission to the respondent/complainant to withdraw the said sum, since the above sum was the compensation ordered to be paid to the respondent/complainant. Hence, the Crl.M.P.No.12441 of 2021 is allowed. The defacto complainant is permitted to withdraw the

sum of Rs.5,62,500/- lying in the trial Court deposit with the accrued interest, if any, by way of filing an appropriate application before the trial Court. On receipt of the same, the trial Court shall pass orders for allowing the defacto complainant to withdraw the said amount.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

rpl

To

1.The IV Additional Sessions Judge, Chennai.

2.The Metropolitan Magistrate,
Fast Track Court-I, Egmore, Chennai.

Copy to: The Section Officer,
Criminal Section,
High Court, Madras.

+2cc to Mr.S.Ramajayam, Advocate, S.R.No.62907, 64995

+1cc to Mr.M.Mohammed Rafi, Advocate, S.R.No.65117

Cr1.R.C.No.1417 of 2018
and Cr.M.P.No.12441 of 2021

PMK(CO)
CB(04/02/2022)