



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Tuesday, the Twenty Fifth day of January Two Thousand Twenty Two

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PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA
CRIMINAL MISCELLANEOUS PETITION No.316 of 2022

IN

CRL RC.733/2021

P.KRISHNAN

[PETITIONER]

Vs

E.RAMU

[RESPONDENT]

Petition praying that in the circumstances stated therein the High Court will be pleased to permit the petitioner and the respondent to compound the offences under section 138 N.I.Act pending Criminal Revision No.733/2021 on the file of this Honourable Court on the basis of Memorandum of Compromise dated 03/01/2022 and pass such further or other orders.

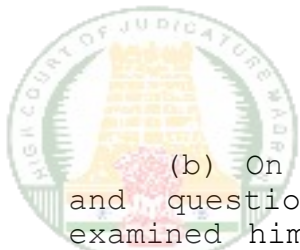
Order : This petition coming on for orders upon perusing the petition and upon hearing the arguments of M/S.R.SASIKUMAR, Advocate for the petitioner and of M/S K.S.MURUGAN on behalf of the Respondent the court made the following order:-

(This case has been heard through video conferencing)

The Criminal Miscellaneous Petition has been filed by the petitioner/accused and the respondent/complainant to compound the offences under Section 138 of Negotiable Instruments Act.

2. The brief facts of the case is as under:-

(a) The accused had borrowed a sum of Rs.5,50,000/- for his paddy business Rs.3,00,000/- on 15.10.2015, Rs.1,00,000/- on 20.11.2015, Rs.1,00,000/- on 24.12.2015 and Rs.50,000/- on 23.02.2016 in discharge of liability, the accused had issued two cheques in favour of the complainant each for Rs.2,75,000/- dated 12.04.2015 drawn on Indian Bank, Medur Branch, Ponneri Taluk. The complainant had presented the cheque through Corporation Bank, Gummudipoondi Branch and it was returned on 13.04.2018 stating the reason funds insufficient. The complainant had issued a statutory notice on 19.04.2018 and the said notice was acknowledged by the accused on 21.04.2018 . The accused neither reply nor make the payment within 15 days from the date of receipt of the notice.



(b) On appearance of the accused, he furnished with the copies and questioned, and he denied the accusation. The complainant examined himself as PW1 and marked Ex.P1 to Ex.P7. The accused did not examine any witnesses on his side. The Trial Court, after trial, found the petitioner/accused guilty, convicted and sentenced him to undergo one year Rigorous Imprisonment and direct the accused to pay compensation of Rs.5,50,000/- to the complainant, in default to undergo two months Simple Imprisonment for the offence under Section 138 of Negotiable Instruments Act. The Appeal in Crl.A.No.13 of 2020 filed by the accused before the IV Additional District and Sessions Judge, Ponneri was dismissed on 24.08.2021 by confirming the conviction and sentenced imposed by the Trial Court, against which the Criminal Revision in Crl.Rc.No.733 of 2021 has been filed and during the pendency of the Revision, the petitioner and the respondent have amicably compromised the dispute between them and they have filed the compounding application before this Court.

(b) At the stage of the appeal, during the suspension of sentence, the Appellate Court directed the accused to deposit Rs.1,10,000/- to the credit of S.T.C.No.1 of 2019 and the amount has also been deposited before the Trial Court. Though the cheque amount is for Rs.5,50,000/-, the complainant had agreed to receive a sum of Rs.4,10,000/- as full and final settlement. The petitioner/accused had paid a sum of Rs.3,00,000/- to the complainant by way of cash and has stated no objection to disburse the amount of Rs.1,10,000/-, deposited to the credit of S.T.C.No.1 of 2019 to the respondent / complainant.

3. Mr.R.Sasikumar, learned counsel appearing for the petitioner/accused would submit that though the cheque amount is for a sum of Rs.5,50,000/-, the parties have settled the matter out of Court and the respondent/complainant has agreed to receive a sum of Rs.4,10,000/- as full and final settlement. Pursuant to the settlement, the petitioner/accused has paid a sum of Rs.3,00,000/- to the respondent/complaint and he has also stated no objection for the respondent/complainant, withdrawing the amount of Rs.1,10,000/-, deposited the credit of S.T.C.No.1 of 2019 before the Trial Court.

4. Learned counsel for the petitioner would further submit that pursuant to the order passed by this Court in Crl.R.C.No.733 of 2021 dated 12.01.2022, the petitioner/accused has also paid a sum of Rs.25,000/- by way of demand draft drawn in favour of Registrar General, High Court of Madras on 21.01.2022.

5. Mr.K.S.Murugan, learned counsel appearing for the respondent would submit that the respondent has agreed for compounding the offence and he had received a sum of Rs.3,00,000/- from the petitioner/accused and he is ready to withdraw the amount of Rs.1,10,000/- deposited to the credit of S.T.C.No.1 of 2019 before the Trial Court.



6. The petitioner and the complainant are present before this Court through video conference.

7. In view of the above, the offence stands compounded and the judgment passed by the Appellate Court in C.A.No.13 of 2020 dated 24.08.2021, confirming the conviction of judgment passed in S.T.C.No.1 of 2019 dated 06.02.2020 by the learned District Munsif cum Judicial Magistrate, Gummudipoondi, stands set aside and the accused is acquitted. The respondent /complainant is permitted to withdraw the deposit amount with accrued interest lying before the Trial Court on filing necessary application and on production of proper proof. The Trial Court is directed to disburse the amount along with interest, if any accrued, to the respondent.

-sd/-

25/01/2022

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE,
GUMMUDIPOONDI

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR (FOR INFORMATION)

3 THE PRINCIPAL DISTRICT AND
SESSIONS JUDGE, THIRUVALLUR

4 IV ADDITIONAL DISTRICT AND
SESSIONS JUDGE, PONNERI

5 THE REGISTRAR GENERAL,
HIGH COURT, MADRAS.

6 THE SECTION OFFICER,
ACCOUNTS SECTION,
HIGH COURT, MADRAS.



7 THE SECTION OFFICER,
CRIMINAL SECTION,
HIGH COURT, MADRAS.

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

Order
in
CRL MP.316/2022
in
CRL RC.733/2021

Date :25/01/2022

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copies of the BAIL/Anti.BAIL Orders in this format

RVR 31/01/2022