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Crl.R.C.No.630 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2022

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case No.630 of 2021

and

Criminal.M.P.No.15281 of 2022

M.Balakrishnan

... Petitioner

Vs.

C.Rajamani

... Respondent

Prayer: Criminal Revision Case filed under Section 397 and 401 Cr.P.C, praying to set aside the judgment dated 04.04.2018 in Crl.A.No.48 of 2017 on the file of Principal Sessions Judge, Krishnagiri, by confirming the judgment of conviction imposed in C.C.No.432 of 2009, on the file of Judicial Magistrate No.1, Krishnagiri dated 29.03.2016 by allowing this criminal revision petition.

For Petitioner : Mr.R.Marudhachalmurthy

For Respondent : Proof of Service on the respondent filed
No appearance



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ORDER

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This criminal revision Case is preferred against the two concurrent judgments of the Courts below convicting the petitioner for offence under Section 138 of Negotiable Instruments Act and sentencing him to undergo one year simple imprisonment and to pay a fine of Rs 1,00,000/ as compensation along with Rs.1,00,000/- cheque amount.

2. During pendency of the of the case, the parties have arrived to an amicable settlement and thereby, the petitioner has filed the Miscellaneous Petition in Crl.M.P.No.15281 of 2022 along with a Joint Memorandum of compromise dated 20.09.2022 seeking to allow the petitioner and the respondent to compound the offence and to set aside the Judgment passed in C.C.No.432 of 2009 dated 29.03.2016 by the learned Judicial Magistrate No.I, Krishnagiri, which was confirmed by the learned Principal Sessions Judge, Krishnagiri, in C.A.No.48 of 2017 dated 04.04.2018.



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3. When the matter was taken up for hearing on 20.09.2022, this Court had directed the petitioner/accused to pay 15% of the check amount as cost to compound the offence as per the guidelines given by the Hon'ble Supreme Court reported in **(2010) 5 SCC 663 (Damodar S. Prabhu Vs. Sayed Babalal H.)**.

4. Today (30.09.2022) when the matter was taken up for hearing, the learned counsel for the petitioner would submit that they have paid the cost of 15% of the cheque amount before the Tamil Nadu State Legal Services Authority, Chennai, on 29.09.2022 and the receipt for the same is also produced before this Court.

5. Taking into consideration the affidavit filed by the petitioner/accused and the petition to compound the offence moved by him along with the Joint Memorandum of Compromise dated 20.09.2022 and also the fact the petitioner has deposited 15% of the cheque amount before the Tamil Nadu State Legal Services Authority, this Court records



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compounding of offence under Section 138 of the Negotiable Instrument Act. This Criminal Revision Case shall stand allowed and the offence under Section 138 of Negotiable Instruments Act tried in C.C.No.432 of 2009, on the file of the learned Judicial Magistrate No.I, Krishnagiri, shall stand compounded. Consequently connected miscellaneous petition is closed.

30.09.2022

Internet: Yes/No
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To

1. The Principal Sessions Judge,
Krishnagiri
2. The Judicial Magistrate No.1,
Krishnagiri



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P.VELMURUGAN, J.

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