



Crl.R.C.No.737 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.09.2022

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Crl.R.C.No.737 of 2022

and

Crl.M.P.No.14738 of 2022

R.Vinothkumar

... Petitioner

Vs.

G.Mathan Kumar

... Respondent

Prayer:

Criminal Revision Case filed under Section 397 r/w 401 of Cr.P.C., to call for the records and set aside the judgment in C.A.No.80 of 2019 passed by the learned II Additional District and Sessions Judge, Ranipet, Vellore District by an order dated 22.04.2022 confirming the order dated 01.08.2019 in C.C.No.2 of 2019 on the file of the learned Judicial Magistrate Court, Sholinghur.

For Petitioner : Mr.S.Suresh

For Respondent : Mr.K.G.Senthilkumar



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ORDER

WEB COPY This Criminal Revision Case is preferred against concurrent judgments of the Courts below convicting the petitioner for the offence under Section 138 of Negotiable Instruments Act and sentencing him to undergo one year simple imprisonment and to pay a fine of Rs.2,000/- in default, two months Simple Imprisonment .

2. Criminal Miscellaneous Petition No.14738 of 2022 has been filed to compound the offence under Section 138 of the Negotiable Instruments Act in Crl.R.C.No.737 of 2022.

3. When the matter is called, both the learned counsel for the petitioner as well as the respondent informed that a settlement has been reached between the parties. Crl.M.P.No.14738 has been filed by the petitioner/accused informing that the matter has been compromised between him and the respondent/complainant and this Court may set aside the conviction rendered by the Court below in the judgment dated 22.04.2022 in Criminal.Appeal.No.80 of 2019 by the learned II Additional District and



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Sessions Judge, Ranipet, Vellore District, confirming the judgment of conviction dated 01.08.2019 in C.C.No.2 of 2019 by the learned Judicial Magistrate Court, Sholinghur.

4. As per the guidelines given by the Hon'ble Supreme Court reported in **(2010) 5 SCC 663 (Damodar S. Prabhu Vs. Sayed Babalal H.)**, to compound the offence accused has to deposit 15% of the cheque amount before the High Court and if it is done before the lower Court 10% of the cheque amount should be deposited. Therefore the petitioner/accused was directed to deposit 15% of the cheque amount as guided by the Hon'ble Supreme Court.

5. This Court vide order dated 26.09.2022 directed the petitioner to deposit 15% of the cheque amount as per the guidelines of the Hon'ble Supreme Court.

6. Taking into consideration the affidavit filed by the petitioner/accused and the petition to compound the offence moved by him



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and also the fact the petitioner deposited 15% of the cheque amount before this Court, this Court records 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.2 of 2019, on the file of the learned Judicial Magistrate Court, Sholinghur, shall stand compounded. Consequently connected miscellaneous petition is allowed. 15% of the cheque amount deposited by the petitioner/accused before this Court shall be paid to Tamil Nadu Legal Services Authority.

7. Learned counsel for the petitioner would submit that apart from the payment of cheque amount, he deposited Rs.60,000/- before the Appellate Court. Hence, the petitioner is permitted to withdraw the abovesaid amount.

29.09.2022

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Index:yes/No
Internet:yes/No



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To

1. The II Additional District and Sessions Judge,
II Additional District and Sessions Court,
Ranipet, Vellore District
2. The Judicial Magistrate,
Judicial Magistrate Court, Sholinghur.



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P.VELMURUGAN, J.

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