



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2022

CORAM

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

CrI.RC.No.726 of 2019

A.Nasar Basha

... Petitioner/Accused

Vs.

G.Saleem Akthar

... Respondent/Complainant

PRAYER: Criminal Revision Case filed under Section 397 r/w 401 of Cr.P.C. to set aside the judgment of conviction imposed in C.A.No.173 of 2018 on the file of the learned Principal Session Judge, Chennai, dated 11.02.2019, confirming the judgment in C.C.No.911 of 2017, on the file of the learned IV Fast Track/Metropolitan Magistrate, George Town, Chennai, dated 08.03.2018.

For Petitioner : Mr.C.Parthiban

For Respondent : Mr.M.Vincent Marian

ORDER

This revision has been filed against the judgment of conviction imposed in C.A.No.173 of 2018 on the file of the learned Principal Session Judge, Chennai, dated 11.02.2019, confirming the judgment in C.C.No.911 of 2017, on the file of the learned IV Fast Track/ Metropolitan Magistrate, George Town, Chennai, dated 08.03.2018.

2.The revision petitioner herein is the accused in C.C.No.911 of 2017. The respondent/complainant herein filed the above referred case as against the revision petitioner alleging that the petitioner herein has committed offence under Section 138 of Negotiable Instrument Act (herein after referred to as "the NI Act"). Both the trial Court and the first appellate Court concurrently held that the petitioner herein is found guilty for the offence under Section 138 of NI Act and convicted and sentenced to undergo simple imprisonment of six months and



to pay compensation of Rs.3,00,000/-. Challenging the same, the petitioner/ accused came before this Court.

3. When the Criminal Revision Case posted for enquiry, both the petitioner and the respondent appeared before this Court and filed a Joint Compromise Memo dated 08.03.2022, stating that the dispute having by them was settled out of Court.

4. It was represented by the learned counsel appearing on either side, after receipt of Demand Draft for Rs.1,50,000/-, the respondent/ complainant has agreed to compound the offence. In this regard, the DD for Rs.1,50,000/- has already handed over to the respondent.

5. It is further submissions made by the learned counsel on either side that as per the direction of this Court dated 09.08.2019, the petitioner herein deposited a sum of Rs.1,50,000/- in the credit of C.C.No.911 of 2017 on the file of the learned IV Fast Track/Metropolitan Magistrate, George Town, Chennai, and the same has to be returned to the petitioner herein.

6. Hence in view of the same, since the reason that the offence committed by the petitioner is compoundable in nature, the compromise memo filed by either party is recorded. The terms of compromise narrated in the joint compromise memo is read over to the both parties and the same has been agreed by either side as found correct.

7. In the said circumstances, being the reason that the offence committed by the petitioner is compoundable in nature and in view of the Joint Compromise Memo filed by the either party, the dispute having by the petitioner is compounded, this Court is inclined pass the following orders :-

(i) The judgment dated 11.02.2019, passed by the learned Principal Session Judge, Chennai, in C.A.No.173 of 2018, confirming the judgment in C.C.No.911 of 2017, on the file of the learned IV Fast Track/Metropolitan Magistrate, George Town, Chennai, dated 08.03.2018 is set aside and the accused is acquitted.

(ii) The Joint Compromise Memo dated 08.03.2022 shall for part and parcel of this Order.

(iii) The petitioner/accused is permitted to withdraw the deposit amount of Rs.1,50,000/- along



with interest, if any, lying before the trial Court on filing necessary application and on production of proper proof.

8. With the above directions, this Criminal Revision Petition stands allowed.

(*) The Xerox Copy of the
Joint Compromise Memo enclosed

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

rts
To

1. The Principal Session Judge,
Chennai.

2. The IV Fast Track/Metropolitan Magistrate,
George Town, Chennai.

Copy to

The Section Officer,
Criminal Section (Records)
High Court, Madras.

Crl.RC.No.726 of 2019

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srg 05/04/2022