



WEB COPY



Crl.R.C.No.1068 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2022

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case No.1068 of 2022

and

Crl.M.P.Nos.12082 & 17563 of 2022

Duraivelu

... Petitioner

Versus

Vadivudaiamman Enterprises

Rep.by Thiru.V.J.Vijayakumar

... Respondent

Criminal Revision Case filed under Sections 397 r/w 401 of Criminal Procedure Code to call for the records pertaining to the judgment dated 28.02.2022 in Crl.A.No.48 of 2021 passed by the learned XXI Additional Sessions Judge, Chennai by confirming the order of the learned Fast Track II, Metropolitan Magistrate, Allikulam, Chennai in C.C.No.791 of 2016 dated 31.07.2019 and set aside the same by allowing the above Criminal Revision Petition.

For Petitioner : Mr.N.Vignesh

For Respondent : Mr.RM.Meenakshi Sundaram



ORDER

This Criminal Revision Case is arising out of the concurrent judgments of the Courts below convicting the petitioner for the offence under Section 138 of the Negotiable Instruments Act, 1881 [hereinafter referred to as 'N.I.Act' for the sake of convenience] and sentencing him to undergo simple imprisonment for a period of one year and to pay a compensation of Rs.5,01,000/- to the complainant, in default, to undergo simple imprisonment for a period of three months.

2. During the pendency of the instant case, the parties have arrived at an amicable settlement and thereby, the petitioner has filed a compounding petition before this Court in Crl.M.P.No.17563 of 2022 along with a joint compromise memo dated 14.11.2022 signed by both the parties as well as their respective counsel seeking to compound the offence under Section 138 of N.I.Act ordered by the learned Metropolitan Magistrate, Fast Track Court No.II, Egmore, Chennai in S.T.C.No.791 of 2016 which was confirmed by the learned XXI Additional Sessions Judge, Chennai in Crl.A.No.48 of 2021.

3. When the matter was taken up for hearing on 10.11.2022, this Court



directed the petitioner/accused to deposit 15% of the cheque amount before the Tamil Nadu Legal Services Authority, High Court, Chennai, as costs to compound the offence as per the guidelines of the Hon'ble Supreme Court in ***Damodar S. Prabhu Vs. Sayed Babalal H*** reported in ***(2010) 5 SCC 663***.

4. Today, when the matter was taken up for hearing, the learned counsel for the petitioner submitted that as per the direction of this Court dated 10.11.2022, the petitioner has deposited 15% of the cheque amount as costs before the Tamil Nadu State Legal Services Authority, Chennai, on 17.11.2022 and a receipt has been filed to that effect and the same is recorded.

5. In view of the joint compromise memo filed by both the parties along with the compounding petition and considering the fact that the petitioner/accused has deposited 15% of the cheque amount as costs, this Criminal Revision Case is allowed and the conviction and sentence passed by the learned Metropolitan Magistrate, Fast Track Court No.II, Egmore, Allikulam in S.T.C.No.791 of 2016, which was confirmed in Crl.A.No.48 of 2021 by the learned XXI Additional Sessions Judge, Chennai for the offence under Section 138 of the N.I.Act is compounded. Bail bonds, if any, executed



Crl.R.C.No.1068 of 2022

shall stand cancelled. Consequently connected miscellaneous petitions are closed.

30.11.2022

Index : Yes/No
Speaking Order/Non Speaking Order
ms

To

- 1.The XXI Additional Sessions Judge,
Chennai.
- 2.The Metropolitan Magistrate,
Fast Track Court No.II
Allikulam, Chennai.



WEB COPY



Crl.R.C.No.1068 of 2022

P.VELMURUGAN, J.

ms

Crl.R.C.No.1068 of 2022
and
Crl.M.P.Nos.12082 & 17563 of 2022

30.11.2022