



Crl.R.C.No.1339 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2022

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case No.1339 of 2022

and

Criminal M.P.Nos.14394, 14396 and 15164 of 2022

Duraivelu

... Petitioner

Vs.

Vadivudaiamman Enterprises,
represented by its Power Agent,
V.J.Vijayakumar,
Door No.54/1, Shanthi Nagar 6th Street,
Vyasarpadi,
Chennai – 600 039.

... Respondent

Prayer: Criminal Revision Case filed under Section 397 and 401 Cr.P.C, praying to call for the records pertaining to the judgment dated 28.02.2022 in Crl.A.No.36 of 2021 passed by the Learned XXI Additional Sessions Judge, Chennai by confirming the order of Learned Fast Track II, Metropolitan Magistrate, Allikulam, Chennai in C.C.No.649 of 2016 dated 31.07.2019 and set aside the same by allowing the above Criminal Revision Petition.

For Petitioner : Mr.K.Balu for Mr.N.Vignesh

For Respondent : Mr.R.M.Meenakshi Sundaram

ORDER



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2. The petitioner is accused and the respondent is the complainant. The respondent had filed a complaint before the learned Metropolitan Magistrate, Allikulam, Chennai, in C.C.No.649 of 2016 for the offence under Section 138 of Negotiable Instruments Act. The learned Magistrate, after completion of trial, convicted the petitioner and sentenced as stated above by order dated 31.07.2019. Against which, the petitioner filed appeal before the Learned XXI Additional Sessions Judge, Chennai, in Crl.A.No.36 of 2021 and the same was dismissed by Judgment dated 28.02.2022. Aggrieved over the same, the present revision has been filed before this Court.



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3. 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.15164 of 2022 along with a Joint Compromise Memo dated 25.09.2022 seeking to compound the offence.

4. When the matter was taken up for hearing on 22.09.2022, 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.)**.

5. 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 27.09.2022 and the copy of receipt for the same is also produced before this Court.

6. Taking into consideration the affidavit filed by the



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petitioner/accused and the petition to compound the offence moved by him along with the Joint Compromise Memo dated 25.09.2022 and also the fact the petitioner has deposited 15% of the cheque amount before the Tamil Nadu State Legal Services Authority, this Court records 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.649 of 2016 on the file of the Metropolitan Magistrate Fast Track II, Allikulam, Chennai, shall stand compounded. Consequently connected miscellaneous petitions are closed.

30.09.2022

Internet: Yes/No

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To

1. The XXI Additional Sessions Judge,
Chennai
2. The Metropolitan Magistrate Fast Track II,
Allikulam,
Chennai

P.VELMURUGAN, J.

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