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Crl.R.C.No.1471 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:29.11.2022

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Crl.R.C.No.1471 of 2022

and

Crl.M.P.Nos.16649 & 17058 of 2022

S.Rabiya

... Petitioner

Vs.

K.Narendran

... Respondent

Prayer:Criminal Revision Case filed under Sections 397 and 401 of Cr.P.C., to set aside the judgment passed by the learned I Additional District and Sessions Judge, Coimbatore in C.A.No.6 of 2019 dated 03.08.2020 in which the order of conviction and sentence viz., six months simple imprisonment and a compensation of Rs.1,00,000/- along with an interest of 6% per annum and in default to undergo three months simple imprisonment passed by the learned Judicial Magistrate, Fast Track Court No.II at (Magisterial Level) of Coimbatore in C.C.No.291 of 2014 dated 01.12.2018 is partly confirmed.

For Petitioner : Mr.K.Thilageswaran

For Respondent : Mr.P.Belman



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ORDER

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This Criminal Revision Case is preferred against the judgment dated 03.08.2020 passed in C.A.No.6 of 2019 on the file of the learned I Additional District and Sessions Judge, Coimbatore, partly confirmed the order dated 01.12.2018 passed in C.C.No.291 of 2014 on the file of the Judicial Magistrate, Fast Track Court No.II at (Magisterial Level) Coimbatore.

2. Criminal Miscellaneous Petition No.17058 of 2022 has been filed to compound the offence under Section 147 of the Negotiable Instruments Act in Crl.R.C.No.1471 of 2022.

3. Criminal Miscellaneous Petition No.16649 of 2022 has been filed to suspend the execution of sentence passed by the learned I Additional District and Sessions Judge, Coimbatore in C.A.No.6 of 2019 dated 03.08.2020 and the learned Judicial Magistrate, Fast Track Court No.II at (Magisterial level) Coimbatore in C.C.No.291 of 2014 dated 01.12.2018 and to enlarge the petitioner on bail pending disposal of the above Criminal Revision Case.



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4. Both the learned counsel for the petitioner as well as the respondent informed that during the pendency of the revision case, both the parties have amicably settled the matter and the petitioner has filed a petition in Crl.M.P.No.17058 of 2022 under Section 147 of the Negotiable Instruments Act, informing that the matter has been compromised between her and the respondent/complainant and this Court may set aside the judgment dated 03.08.2020 passed in C.A.No.6 of 2019 on the file of the learned I Additional District and Sessions Judge, Coimbatore, which partly confirmed the order dated 01.12.2018 passed in C.C.No.291 of 2014 on the file of the Judicial Magistrate, Fast Track Court No.II at (Magisterial Level) Coimbatore.

5. 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. This Court vide order dated 11.11.2022 directed the petitioner to deposit 15% of the cheque amount as per the guidelines of the Hon'ble Supreme Court. The learned counsel for the petitioner has filed a memo stating that



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he deposited 15% of the cheque amount before the Legal Services Authority, Coimbatore and the said memo is recorded.

6. Taking into consideration the affidavit filed by the petitioner/accused and the petition to compound the offence moved by her and also the fact the petitioner deposited 15% of the cheque amount before the Legal Services Authority, Coimbatore, 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.291 of 2014, on the file of the learned Judicial Magistrate, Fast Track Court No.II at (Magisterial Level) of Coimbatore, shall stand compounded. Consequently connected miscellaneous petitions are allowed.

29.11.2022

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Index:yes/No
Internet:yes/No

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To

1. The I Additional District and Sessions Judge,
Coimbatore.
2. The Judicial Magistrate,
Fast Track Court No.II at (Magisterial Level),
Coimbatore.



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P.VELMURUGAN, J.

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