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Crl.R.C.No.1438 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2022

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case No.1438 of 2022

and

Criminal.M.P.Nos.16027, 16026 and 17442 of 2022

D.Babu

... Petitioner

Vs.

G.Chinnaraj

... Respondent

Prayer: Criminal Revision Case filed under Section 397 and 401 Cr.P.C, praying to set aside the Judgment passed against the petitioner in Crl.A.No.178 of 2017 by the Vth Additional District and Sessions Judge, Coimbatore dated 12.12.2019 confirming the Judgment made in C.C.No.186 of 2017 by the Judicial Magistrate, Fast Track Court at Magisterial Level-II, Coimbatore, dated 07.06.2017 by allowing this Memorandum of Criminal Revision Case.

For Petitioner : Mr.B.Nedunchezhiyan

For Respondent : M/s.Varsha Balasubramanian



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ORDER

This criminal revision Case is preferred against the two concurrent judgments of the Courts below convicting the petitioner for offence under Section 138 of Negotiable Instruments Act and sentencing him to undergo simple imprisonment for the period six months and to pay compensation of Rs.5,00,000/- to the complainant, failing which to undergo default sentence of two months simple imprisonment.

2. During pendency of the of the case, the parties have arrived to an amicable settlement and thereby, the petitioner has filed the Criminal Miscellaneous Petition in Crl.M.P.No.17442 of 2022 along with the affidavit signed by the respondent/complainant dated 09.11.2022 seeking to allow the petitioner and the respondent to compound the offence and to set aside the conviction and sentence passed in C.C.No.186 of 2017 by the learned Judicial Magistrate, Fast Track Court at Magisterial Level-II, Coimabtoe, dated 07.06.2017 which was confirmed by the Vth Additional District and Sessions Judge, Coimbatore, in Crl.A.No.178 of 2017 dated 12.12.2019.



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3. When the matter was taken up for hearing on 20.10.2022, this Court had directed the petitioner/accused to pay 15% of the check amount before the Legal Services Authority, High Court, Chennai, 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.)**.

4. Today (25.11.2022) 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 26.10.2022 and the receipt for the same along with memo was also produced before this Court. The said memo is taken on record.

5. Taking into consideration the affidavit filed by the petitioner/accused and the petition to compound the offence moved by him along with the affidavit signed by the respondent/complainant and



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also the fact that the petitioner/accused has deposited 15% of the cheque amount before the Tamil Nadu State Legal Services Authority, the Crl.M.P.No.17442 of 2022 is allowed and the offence stands compounded under Section 147 of the NI Act. Consequently, the orders passed by the appellate Court in Crl.A.No.178 of 2017 dated 12.12.2019 confirming the Judgment of the trial Court made in C.C.No.186 of 2017 dated 07.06.2017 are hereby set aside and offence is compounded. Consequently connected other miscellaneous petitions are closed.

6. The petitioner/accused is directed to be released forthwith, if the custody of the petitioner/accused is not required in other cases.

25.11.2022

Internet: Yes/No

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NOTE: Issue Order Copy on 25.11.2022



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To

1. The Judicial Magistrate, Fast Track Court at Magisterial Level-II,
Coimabtoe
2. The Vth Additional District and Sessions Judge,
Coimbatore

Copy to

The Superintendent of Jail
Central Prison, Coimbatore.



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P.VELMURUGAN, J.

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