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Crl.R.C.No.1260 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2022

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case No.1260 of 2022
and Crl.M.P.Nos.14941, 17368, 16298 & 13678 of 2022

A. Ravichandiran

... Petitioner/Appellant

Vs.

A. Mohana

... Respondent/ Respondent

Criminal Revision Case is filed under Section 397 r/w. 401 Cr.P.C. to set aside the order dated 15.06.2022 passed by III Additional District and Sessions Judge, Cuddalore at Virudhachalam, in C.A.No.34 of 2021 in dismissing the appeal seeking to set aside the conviction and sentence awarded by the Judicial Magistrate – I, Virudhachalam, in S.T.C.No.844 of 2015, by its Judgment dated 11.08.2021.

For Petitioner : Mr.G. Palani

For Respondent : No appearance



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ORDER

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This Criminal Revision has been filed challenging the judgment of the III Additional District and Sessions Judge, Cuddalore at Virudhachalam passed in C.A.No.34 of 2021 dated 15.06.2022.

2. The revision petitioner is the appellant/accused and the respondent is the complainant in C.A.No.34 of 2021 .

3. The case of the revision petitioner is that the Trial Court after an inquiry, convicted the petitioner for the offence under Section 138 of the Negotiable Instruments Act, 1881 and sentenced him to undergo six months simple imprisonment and ordered to pay a compensation of Rs.4,00,000/-.

4. Challenging the said order of conviction and sentence, the petitioner/accused had filed an appeal before the learned III Additional District and Sessions Judge, Cuddalore at Virudhachalam and the same was taken on file in C.A.No.34 of 2021.



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5. The learned III Additional District and Sessions Judge, Cuddalore, after hearing the arguments and re-appreciating the entire materials, dismissed the appeal filed by the petitioner/accused in C.A.No.34 of 2021 by Judgment dated 15.06.2022 and confirmed the conviction and sentence passed by the learned Judicial Magistrate – I, Virudhachalam, in S.T.C.No.844 of 2015 dated 11.08.2021

6. Aggrieved over the said judgment in the appeal, the petitioner/appellant has filed the present revision before this Court.

7. During the pendency of the revision, the petitioner filed a petition in Crl.M.P.No.17368 of 2022 under Section 147 of N.I. Act, to compound the offence awarded by the Trial Court and confirmed by the Appellate Court. This Court by its order dated 19.10.2022, directed the petitioner to deposit the balance amount of Rs.3,20,000/- along with 12% interest and the same has been complied with by the petitioner. This Court further directed the petitioner to pay 15% of the cheque amount as cost to compound the offence to the credit of the Tamil Nadu Legal Services



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Authority, Chennai, as per the guidelines given by the Hon'ble Supreme Court reported in **(2010) 5 SCC 663 (Damodar S. Prabhu Vs. Sayed Babalal H.)** and the same has also been complied with by the petitioner. A receipt of the same dated 17.11.2022, has also been produced before this Court.

8. Even though the offence under Section 138 of N.I. Act is a compoundable offence, notice was served on the respondent privately and the substituted service through paper publication was also effected. Despite the name of the respondent being printed in the cause list, there is no appearance on behalf of the respondent.

9. Taking into consideration the fact that the offence under Section 138 of the Negotiable Instruments Act is a compoundable offence and the petitioner has also deposited the entire amount along with interest and has also paid 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 Instruments Act.



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10. In view of the above, Crl.M.P.No.17368 of 2022 is allowed.

Accordingly, the offence under Section 138 of the Negotiable Instruments Act tried in S.T.C.No.844 of 2015, on the file of the learned Judicial Magistrate – I, Virudhachalam, shall stand compounded. Consequently, all connected miscellaneous petitions stand closed. The petitioner is set at liberty, if his custody is not required for any other case.

18.11.2022

Speaking Order/Non Speaking Order

Index : Yes/No

Internet: Yes/No

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Note: Issue Order Copy on 21.11.2022

To

- 1.The III Additional District and Sessions Judge,
Cuddalore, Virudhachalam.
- 2.The Judicial Magistrate – I,
Virudhachalam.



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P.VELMURUGAN, J.

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