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Crl.R.C.No.1236 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.10.2022

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Crl.R.C.No.1236 of 2022
and
Crl.M.P.No.14957 of 2022
and
Crl.M.P.Nos.13498 & 13500 of 2022

Adithya Vijayaragavan

... Petitioner

Vs.

R.Karthick
Respondent

...

Prayer:

Criminal Revision Petition filed under Section 397 read with 401 Cr.P.C., to set aside the judgment passed in C.A.No.37 of 2021 dated 24.01.2022 on the file of the Principal Sessions Judge at Salem, confirming the order of conviction dated 07.04.2021 passed in S.T.C.No.95 of 2017 on the file of the Judicial Magistrate Court at Salem.

For Petitioner : M/s.S.Thankira

For Respondent : Mr.A.Venkatesan



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ORDER

This Criminal Revision Case is preferred against the judgment dated 24.01.2022 passed in C.A.No.37 of 2021 on the file of the Principal Sessions Judge at Salem, confirming the order of conviction dated 07.04.2021 passed in S.T.C.No.95 of 2017 on the file of the Judicial Magistrate Court at Salem.

2. Criminal Miscellaneous Petition No.14957 of 2022 has been filed to compound the offence under Section 138 of the Negotiable Instruments Act in Crl.R.C.No.1236 of 2022.

3. When the matter is called, both the learned counsel for the petitioner as well as the respondent informed that a settlement has been reached between the parties. Crl.M.P.No.14957 of 2022 has been filed by the petitioner/accused informing that the matter has been compromised between him and the respondent/complainant and this Court may set aside the conviction rendered by the Court below in the judgment dated 24.01.2022 passed in C.A.No.37 of 2021 on the file of the Principal Sessions Judge at Salem, confirming the order of conviction dated 07.04.2021 passed in



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S.T.C.No.95 of 2017 on the file of the Judicial Magistrate Court at Salem.

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4. 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 before the High Court and if it is done before the lower Court 10% of the cheque amount should be deposited. Therefore the petitioner/accused was directed to deposit 15% of the cheque amount as guided by the Hon'ble Supreme Court.

5. This Court vide order dated 26.09.2022 directed the petitioner to deposit 15% of the cheque amount as per the guidelines of the Hon'ble Supreme Court.

6. Taking into consideration the affidavit filed by the petitioner/accused and the petition to compound the offence moved by him and also the fact the petitioner deposited 15% of the cheque amount before this Court, this Court records compounding of offence under Section 138 of the Negotiable



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Instrument Act. This Criminal Revision Case shall stand allowed and the offence under Section 138 of Negotiable Instruments Act tried in S.T.C.No.95 of 2017 on the file of the Judicial Magistrate Court at Salem, shall stand compounded and the Criminal Miscellaneous petition No.14957 of 2022 is allowed. 15% of the cheque amount deposited by the petitioner/accused before this Court shall be paid to Tamil Nadu Legal Services Authority. Consequently, connected miscellaneous petitions are closed.

13.10.2022

mfa

Index:yes/No

Internet:yes/No

To

1. The Principal Sessions Judge,
Principal Sessions Court,
Salem.
2. The Judicial Magistrate,
Judicial Magistrate Court,
Salem.

P.VELMURUGAN, J.

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