



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twentieth day of January Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL MISCELLANEOUS PETITION No.13705 of 2021

IN CRL RC.787/2019

1 SRI NITHYA BHARATHI SOCIAL DEVELOPMENT TRUST, [PETITIONER
REP BY ITS FOUNDER-CUM-CHAIRMAN APPELLANT/ACCUSED]
K.S.SOKKALINGAM,

2 K.SOKKALINGAM

Vs

MR.G.DAYALAN

[RESPONDENT/COMPLAINANT]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to accept the petition filed under section 147 of Negotiable Instrument Act to compound the offence u/s.138 of N.I. Act .

Order : This petition coming on for orders upon perusing the petition and the filed in support thereof and upon hearing the arguments of M/S.P.UMAMAHESWARI, Advocate for the petitioner, and of M/S.J.VENKATES PERUMAL, Advocate on behalf of the Respondent, the court made the following order:-

(This case has been heard through video conferencing)

The Criminal Miscellaneous Petition is filed under Section 147 of Negotiable Instruments Act to compound the offence under Section 138 of N.I. Act.

2. The brief facts of the case is as under:-



(a) The first petitioner is a Trust and the second petitioner is the Founder and Chairman of the first petitioner/Trust. The petitioners have been convicted and sentenced by the Metropolitan Magistrate Fast Track Court No.IV in C.C.No.1037 of 2017 dated 20.12.2018, to undergo 10 months Simple Imprisonment and to pay compensation of Rs.2,50,000/- within one month and in default to undergo two months Simple Imprisonment for the offence under Section 138 of Negotiable Instruments Act. The Appeal in C.A.No.8 of 2016 filed by the petitioners before the learned VI Additional Sessions Judge, City Civil Court, Chennai, was dismissed on 24.07.2019, against which the present Criminal Revision has been filed and during the pendency of the Revision, the petitioners and the respondent have compromised the matter and they have filed the compounding application before this Court.

(b) Pursuant to the order passed by this Court on 14.08.2019, the petitioner had deposited the amount of Rs.2,50,000/- before the Trial Court. This Court had also directed the Trial Court to redeposit the amount of Rs.2,50,000/- in any nationalized bank so that the amount with interest can be disbursed either to the complainant or to the accused depending upon the outcome of this revision petition.

c) Now, the parties have compromised the matter between themselves and the petitioners have stated no objection to disburse the amount, deposited to the credit of C.C.No.1037 of 2017 on the file of the Metropolitan Magistrate Fast Track Court No.IV, with accrued interest to the respondent/complainant.

3. Learned counsel appearing for the petitioner would submit that the matter has been compromised between the parties and they have filed necessary compounding application before this Court and the petitioners have no objection in the amounts deposited with accrued interest being disbursed by the Trial Court in favour of the respondent/complainant.

4. Learned counsel for the petitioner would further submit that in compliance with the directions in the Judgment of the Hon'ble Apex Court in **Damodar S. Prabhu Vs. Sayed Babalal H.** reported in **(2010) 5 SCC 663**, regarding the imposition of cost at the time of settlement, the petitioners have deposited the amount of Rs.37,500/- (Rupees Thirty seven thousand and five hundred only) which is 15% of the Cheque amount, by way of demand draft drawn in favour of the Registrar General, High Court of Madras, vide No.329085 of Indian Bank, High Court branch dated 20.12.2021.

5. Learned counsel appearing for the respondent would submit that the respondent has agreed for compounding the case and he would pray that necessary order may be passed, permitting the respondent / complainant to withdraw the amount deposited to the credit of C.C.No.1037 of 2017 before the Trial Court with accrued interest.



6. In view of the above, the offence stands compounded under Section 147 of the N.I. Act and the judgment passed by the Appellate Court in C.A.No.8 of 2016 dated 24.07.2019, confirming the conviction of judgment passed in C.C.No.1037 of 2017 dated 20.12.2018 by the learned Fast Track Court No.IV Metropolitan Magistrate, George Town, Chennai, stands set aside and the accused is acquitted. The respondent /complainant is permitted to withdraw the deposit amount with accrued interest lying before the Trial Court on filing necessary application and on production of proper proof. The Trial Court is directed to disburse the amount along with accrued interest to the respondent.

-sd/-
20/01/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE VI ADDITIONAL SESSIONS JUDGE,
CITY CIVIL COURT, CHENNAI.

2 THE METROPOLITAN MAGISTRATE,
NO.IV, FAST TRACK COURT GEORGE TOWN, CHENNAI.

3 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI. [FOR INFORMATION]

Copy To:

THE REGISTRAR GENERAL
HIGH COURT, MADRAS.

THE SECTION OFFICER,
ACCOUNTS SECTION,
HIGH COURT, MADRAS.



THE SECTION OFFICER,
CRIMINAL SECTION,
HIGH COURT, MADRAS.

WEB COPY

C.C. to M/S.G.MOORTHY Advocate on payment of necessary charges

Order

in
CRL MP.13705/2021

in
CRL RC.787/2019

Date :20/01/2022

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TA-31/01/2022