



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.04.2022

CORAM

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Crl.RC.Nos.1220 & 1222 of 2019

and

Crl.M.P.Nos.5111 & 5115 of 2022

Crl.RC.No.1220 of 2019

1.M/s.Vijay Mining & Infra Corporation Pvt Ltd.,
Hyderabad

2.Vijayasekhar Reddy
Managing Director

... Petitioners/Accused

Vs.

M/s.Minetech International,
No.17 North Railway Terminus Road,
Royapuram, Chennai
Regd.Partnership firm,
rep through Power Agent,
Udayakumar

... Respondent/Complainant

PRAYER: Criminal Revision Case filed under Sections 397 and 401 of Cr.P.C. against the judgment of conviction, sentence and compensation passed in C.A.No.478 of 2018 dated 12.09.2019, on the file of the learned XV Additional Sessions Judge, Chennai confirming the judgment dated 16.08.2018 in C.C.No.1862 of 2016 on the file of the learned Metropolitan Magistrate, Fast Track Court-IV, George Town, Chennai.

For Petitioners : Mr.K.Udayakumar

For Respondent : Mr.R.Rajarathinam

Crl.RC.No.1222 of 2019

1.M/s.Vijay Mining & Infra Corporation Pvt Ltd.,
Hyderabad

2.Vijayasekhar Reddy
Managing Director

... Petitioners/Accused 1 & 2

Vs.



M/s.Minetech International,
No.17 North Railway Terminus Road,
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Regd.Partnership firm,
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... Respondent/Complainant

PRAYER: Criminal Revision Case filed under Sections 397 and 401 of Cr.P.C. against the judgment of conviction, sentence and compensation passed in C.A.No.479 of 2018 dated 12.09.2019, on the file of the learned XV Additional Sessions Judge, Chennai confirming the judgment dated 16.08.2018 in C.C.No.1861 of 2016 on the file of the learned Metropolitan Magistrate, Fast Track Court-IV, George Town, Chennai.

For Petitioners : Mr.K.Udayakumar

For Respondent : Mr.R.Rajarathinam

COMMON ORDER

These Criminal Revisions have been filed against the judgment of conviction, sentence and compensation passed in C.A.Nos.478 & 479 of 2018 dated 12.09.2019, on the file of the learned XV Additional Sessions Judge, Chennai confirming the judgment dated 16.08.2018 in C.C.Nos.1862 & 1861 of 2016 on the file of the learned Metropolitan Magistrate, Fast Track Court-IV, George Town, Chennai.

2. The revision petitioners herein are accused 1 & 2 in C.C.Nos.1862 & 1861 of 2016. The first petitioner is the company represented by the second petitioner. The respondent/complainant herein filed the above referred cases as against the revision petitioners alleging that the petitioners herein have committed offence under Section 138 of Negotiable Instruments Act (herein after referred to as "the NI Act"). Both the trial Court and the first appellate Court concurrently held that the petitioners herein are found guilty for the offence under Section 138 of NI Act, convicted and sentenced accused No.2 to undergo simple imprisonment for ten months and to pay a compensation of Rs.58,45,463/- to the complainant under Section 357(3) of Cr.P.C., within one month failing which the accused No.2 shall undergo simple imprisonment for two months. Challenging the same, the petitioners/ accused 1 & 2 is before this Court.

3. Today, when this Criminal Revision Case came up for hearing, both the revision petitioners/ accused 1 & 2 and the



respondent/complainant are appeared before this Court along with their respective advocates. Both of them have filed petitions in CrI.M.P.Nos.5111 & 5115 of 2022 under Section 147 of NI Act, wherein they prayed to compound the offence. Further, along with the said petitions, they have filed a copy of the Joint Compromise Memo dated 31.03.2022, through which the dispute having by the petitioners and the respondent, is amicably settled out of Court.

4. It is the further submission of the learned counsel on either side that as per the direction of this Court in CrI.MP.Nos.16339, 16356, 16358, 16340, 16359 & 16341 of 2019 in CrI.RC.Nos.1220 & 1222 of 2019 dated 20.12.2019, the revision petitioners herein deposited 10% of the compensation amount before the trial court and in respect to the same, both the counsels now stated before this Court that as per the Joint Compromise Memo arrived between the petitioners and the respondent, the said amount has to be given to the complainant/respondent.

5. In view of the above, as the present offence committed by the revision petitioners/accused 1 & 2 under Section 138 of NI Act, is compoundable under Section 147 of the Act, the contents of the Joint Compromise Memo dated 31.03.2022, was read out to both parties and the same has been agreed by either side as found correct. Accordingly, these Criminal Miscellaneous Petitions in CrI.M.P.Nos.5111 & 5115 of 2022, are allowed and the offence committed by the petitioners/accused 1 & 2 under Section 138 of NI Act, is compounded.

6. Ultimately, in view of the order now passed in CrI.M.P.Nos.5111 & 5115 of 2022, this Court is inclined to pass the following orders :-

(i) The judgments of conviction and sentence passed by the Courts below are set aside and the accused are acquitted of the charge under Section 138 of the NI Act.

(ii) The Joint Compromise Memo dated 31.03.2022 shall form part and parcel of this Order.

(iii) The trial court is directed to refund the 10% of the compensation amount, which was deposited by the revision petitioners/accused 1 & 2, along with accrued interest, if any, to the complainant / respondent after receipt of necessary



application and on production of proper proof.

7. With the above directions, these Criminal Revision Petitions stand allowed.

WEB COPY

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

ENCL: Xerox Copy of Joint Compromise Memo dated 31/03/2022

Lok

To

1. The XV Additional Sessions Judge,
Chennai.

2. The Metropolitan Magistrate,
Fast Track Court-IV, George Town,
Chennai.

+2cc to Mr. R. Rajarathinam, Advocate SR.No.26071 & 26072

Cr1.RC.Nos.1220 & 1222 of 2019

NRJK (CO)
GN (06/05/2022)