



Crl.RC No.1343 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 27.04.2023

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

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& Crl.MP.Nos.14562, 14563 and 15010 of 2022

1. M/s.Essaarkay Forex Pvt.Ltd.,
Rep by its Director Mr.M.Sekar,
G4. Nelson Plaza, New No.90,
Old No.149, Nelson Manickam Road,
Choolaimedu, Chennai 600 094.

2. M.Sekar

3. K.Ramesh Babu

... Petitioners

Vs.

M/s.Weizmann Forex Ltd.,
Represented by its Senior Manager
Mr.B.Suresh Kumar,
No.39/45, Monieth Road,
Egmore, Chennai 600 008

... Respondents

Prayer: Criminal Revision Petition filed under Section 397 r/w 401 Cr.P.C. to set aside the judgment passed in C.A.No.541 of 2018 dated 20.12.2019 by the XV Additional Sessions Court, Chennai confirming the judgment passed in C.C.No.7246 of 2014 dated 17.09.2018 made by the learned Metropolitan Magistrate (Fast Track -2) Egmore at Allikulam.



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For Petitioners : Mr.J.Nandagopal

For Respondents : M/s.M.Rajam

ORDER

This Criminal Revision Case has been filed against the judgment dated 20.12.2019 in Crl.A.No.541 of 2018, on the file of the XV Additional Session Court, Chennai, confirming the judgment dated 17.09.2018 made in C.C.No.7246 of 2014 on the file of the learned Metropolitan Magistrate (Fast Track Court-2), Egmore at Alikulam.

2. The Petitioners, who are A1, A2 and A4 in C.C.No.7246 of 2014, had purchased foreign currencies from the complainant on 07.10.2013 and 08.10.2013 and in order to discharge the liability, they had issued cheques in favour of the complainant. When the said cheques were presented for encashment, the same were returned with an endorsement 'Funds Insufficient. Therefore, the complainant issued a legal notice on 11.02.2014 calling upon them to pay the cheque amount, inspite of the same, since the petitioners neither issued any reply nor repaid the cheque amount within 15 days from the date of receipt of notice, the complainant filed a complaint against them for



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commission of offence under section 138 of Negotiable Instruments Act. The case was taken on file in C.C.No.7246 of 2014 before the learned Metropolitan Magistrate (FTC-2), Egmore, Allikulam, Chennai. After trial, the learned Magistrate convicted and sentenced the petitioners to undergo Simple Imprisonment for a period one year and to pay the cheque amount of Rs.79,00,000/- as compensation to the complainant. Aggrieved by the conviction and sentence imposed by the trial court, the petitioner filed an appeal in Crl.A.No.541 of 2018 on the file of the XV Additional Sessions Court, Chennai, The lower appellate Court dismissed the appeal, confirming the conviction and sentence imposed by the trial court. Aggrieved over the same, the petitioners/accused A1, A2 and A4 have filed the present criminal revision case.

3. When the matter is taken up for hearing, the learned counsel appearing for the petitioners as well as the learned counsel for the respondent submitted that the petitioners/A1, A2 and A4 and the respondent/complainant have settled their disputes amicably among themselves and compounded the offence. Today, both the parties are



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present before this Court. The petitioners have deposited 15%, i.e Rs.5,92,500/- of the cheque amount to the Legal Services Authority as per the direction of this Court on 28.09.2022 and to that effect, they have also filed receipt. The parties have also entered into a joint compromise memo on 15.09.2022. Thus, he prayed to allow this criminal revision case by recording the joint compromise memo entered between both the parties.

4.Heard both sides and perused the materials available on record.

5.It is seen that now both the parties viz., respondent/complainant and petitioners/accused A1, A2 and A4 have settled their disputes out of court and compromised with each other and to that effect, they have also filed a Joint Compromise Memo, dated 15.09.2022, duly signed by the petitioner/accused, respondent/complainant and their respective counsel.

6. In view of the submission made by the learned counsel for



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either side, the following order is passed.

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1. the Joint Compromise Memo, dated 15.09.2022 is recorded;
2. the Criminal Revision Case is allowed;
3. the judgment of conviction and sentence imposed on the petitioners by the trial court and subsequently confirmed by the lower appellate court is set aside. Consequently, Crl.M.Ps are closed.

27.04.2023

Index:Yes/No
Internet:Yes/No
srn

To

1. The XV Additional Sessions Court, Chennai
2. The learned Metropolitan Magistrate (Fast Track -2)
Egmore at Allikulam.
3. The Public Prosecutor, High Court, Madras.

V.SIVAGNANAM, J.



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