



Crl RC .No.846 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl RC No.846 of 2015
and MP No.1 of 2015

Vanaja

..Petitioner /Respondent/Accused

Vs.

1. K.R.V.Govindharaj
Proprietor,
Jai Sriram Traders,
Arakkonam

2. The Public Prosecutor,
Vellore

..Respondent /Appellant/Complainants

Prayer: Criminal Revision case is filed under Section 397 (1) r/w 401 of Cr.PC to set aside the judgement dated 17.06.2015 made in Crl A No.18 of 2013 on the file of Court of II Additional District and Sessions Judge, Vellore at Ranipet, Vellore District, confirming the



Crl RC .No.846 of 2015

conviction and sentence passed by the Judicial Magistrate, Arakkonam vide judgement in C.C.No.217 of 2009 dated 26.02.2013.

For Petitioner : Mr.T.P.Prabakaran

For Respondents : Mr.S.Shankar for R1
Mr.L.Baskaran,
Government Advocate
[Crl. Side] for R2

ORDER

This Criminal Revision case has been filed against the judgment and order passed by II Additional District and Sessions Judge, Vellore at Ranipet, Vellore District, in Crl A No.18 of 2013 dated 17.06.2015, dismissing and confirming the judgement and order passed by the Judicial Magistrate, Arakkonam, in C.C.No.217 of 2009 convicting the petitioner for offence under Section 138 of the Negotiable Instruments Act and sentencing her to undergo six months simple imprisonment.



WEB COPY

2. When the matter came up for hearing on 21.12.2022, this Court passed the following order :-

No representation for the petitioner and the first respondent.

2. The petitioner/accused was convicted by the trial Court for the offence under Section 138 of Negotiable Instruments Act in C.C.No.217 of 2009 and sentenced to undergo Simple Imprisonment for a period of six months. Aggrieved against the said judgment, the petitioner/accused preferred an appeal in Crl.A.No.18 of 2013 and the first respondent/complainant filed Crl.A.No.96 of 2013 before the II Additional District and Sessions Judge, Vellore at Ranipet praying for enhancement of the sentence of imprisonment and for awarding compensation. In the appeal preferred by the petitioner/accused, the Lower Appellate Court dismissed the appeal. In the appeal filed by the first respondent/complainant, the Lower Appellate Court partly allowed the appeal and awarded compensation of Rs.9,50,000/- payable to the first



Crl RC .No.846 of 2015

respondent/complainant and dismissed the appeal in respect of enhancement of sentence and fine amount. It is not known whether the compensation amount was paid or not.

3. While ordering suspension of sentence in Crl.M.P.No.1 of 2015 in Crl.R.C.No.846 of 2015, this Court directed the petitioner to deposit a sum of Rs.4,00,000/- to the credit of C.C.No.217 of 2009. Whether this amount has been deposited, is also not known. Further, keeping these revisions without any progress from the year 2015 would only accumulate pendency of the cases.

4. In view of the same, this Court directs the jurisdiction Inspector of Police to secure the petitioner as well as first respondent and ensure their presence before this Court on 09.01.2023.

5. Post the matter on 09.01.2023.

3. Thereafter, the matter was listed for hearing on 09.01.2023 and this Court passed the following order :-

The petitioner/accused in C.C.No.217 of 2009



was convicted by the trial Court and sentenced to undergo six months simple imprisonment. Aggrieved against the same, the petitioner preferred an appeal in Crl.A.No.18 of 2013. The first respondent/complainant filed Crl.A.No.96 of 2013 for enhancement of sentence of imprisonment and for awarding compensation. The learned II Additional District and Sessions Judge, Vellore dismissed Crl.A.No.18 of 2013 confirming the sentence and partly allowed the appeal in Crl.A.No.96 of 2013 directing the petitioner to pay compensation of cheque amount of Rs.9,50,000/-, against which, the petitioner has filed the above revisions.

2. It is seen that the petitioner has filed Crl.M.P.No.1 of 2015 in Crl.R.C.No.846 of 2015 seeking suspension of sentence. This Court, by order dated 14.08.2015 suspended the sentence with the condition that the petitioner shall deposit a sum of Rs.4,00,000/- to the credit of C.C.No.217 of 2009 on the file of Judicial Magistrate, Arakkonam.

3. Learned counsel for the petitioner on the previous occasion on 21.12.2022 submitted that he is not aware whether the conditional order has been complied with or not. In the meanwhile, finding that



Crl RC .No.846 of 2015

there is no representation for the respondent, this Court directed the jurisdiction Inspector of Police to inform the respondent/complainant about the case.

4. It is submitted that the complainant is unable to be located. From the records it is seen that the complainant, namely, K.R.V. Govindharaj, S/o.K.R.Varadiahn, Proprietor, Jai Sriram Traders, Arakkonam is a resident of Muthu Nagar, Arakkonam.

The jurisdiction Inspector of Police is directed to verify from this address about the whereabouts of the respondent/complainant.

5. The available address of the accused is Vanaja, W/o.Rajalingam, Vinayaga Cotton Industries, 220/14, Indhiranagar, Sankarakoil Road, Rajapalayam, Virudhanagar. The jurisdiction Inspector of Police is directed to secure and ensure the presence of the petitioner/accused before this Court on 10.02.2023.

6. Post the matter on 10.02.2023 under the caption "For Orders".



Crl RC .No.846 of 2015

4. The matter once again was posted for hearing on 28.02.2023 and this Court passed the following order :-

This Court directed the concerned jurisdiction Inspector of Police to secure the petitioner/accused and to produce before this Court by an order dated 09.01.2023. Similarly, the Inspector of Police was also directed to verify about the whereabouts of the respondent/complainant.

2. *The learned Government Advocate appearing for the concerned police sought for some time to take instruction in this regard. The learned Government Advocate also submitted that the concerned jurisdiction police is Arakkonam Town Police.*

3. *In view of the above, there shall be a direction to the Inspector of Police, Arakkonam Town Police Station to comply with the earlier order passed by this Court on 09.01.2023 and report before this Court.*



Crl RC .No.846 of 2015

WEB COPY

5. Mr.S.Sundara Pandian, Special Sub-Inspector of Police, Arakkonam Town Police Station, Ranipet District was present before this Court and he instructed the learned Government Advocate and the learned Government Advocate submitted that the respondent has already vacated and sold the house seven years back and his whereabouts are not known. Hence, the learned Government Advocate sought for some more time to secure both the petitioner and the respondent.

6. The learned counsel for petitioner submitted that inspite of their best efforts, they are not able to get instructions from the petitioner and hence, sought for time.

7. The learned counsel for respondent / complainant submitted that he received instructions from the Lower Court



Crl RC .No.846 of 2015

WEB COPY

counsel to the effect that the matter has already been settled between the parties out of Court.

8. In view of the fact that the matter has already been settled between the parties out of Court, no useful purpose will be served in keeping this criminal revision case pending and accordingly, the offence is compounded and the judgement and order passed by both the Courts below is hereby set aside.

9. This Criminal Revision case is disposed of in the above terms. No costs. Consequently, the connected miscellaneous petition is closed.

24.03.2023

Internet : Yes
Index : Yes
Speaking Order / Non Speaking Order

rka



WEB COPY



Crl RC .No.846 of 2015

N. ANAND VENKATESH, J.

rka

To

1. The II Additional District and Sessions Judge, Vellore at Ranipet,
Vellore District
2. The Judicial Magistrate, Arakkonam,

Crl RC No.846 of 2015

24.03.2023