



Crl.RC.No.324 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.R.C.No.324 of 2018

R.Senthil

...Petitioner/Appellant/Accused

.Vs.

Chandran

... Respondent/Respondent/ Complainant/

Criminal Revision filed under Sections 397 r/w 401 of the Code of Criminal Procedure, to set aside the conviction and sentence imposed by the learned Judicial Magistrate-cum-Fast Track Court, Tiruchengode in S.T.C.No.221 of 2017 dt.15.02.2017 and confirming the conviction and sentence order passed in Crl. Appeal No.11 of 2017 dated 09.01.2018, on the file of the Principal Sessions Judge, Namakkal.

For Petitioner Mr.Saikrishnan

For Respondent C.S.Saravanan



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ORDER

This criminal revision case was filed against the judgment and order passed by the learned Principal Sessions Judge, Namakkal in CrI.A.No.11 of 2017, dated 09.01.2018, dismissing the appeal and confirming the judgment and order passed by the learned Judicial Magistrate, Fast Track Court, Tiruchengode in STC No.221 of 2016, dated 15.02.2017, convicting the petitioner for offence u/s.138 of the Negotiable Instruments Act, 1881 and sentencing him to undergo six months simple imprisonment and to pay a fine of Rs.5,000/- and in default, to undergo, one month simple imprisonment.

2. When the matter came up for final hearing on 16.03.2023, the learned counsel submitted that the petitioner is willing to pay the entire cheque amount to the respondent and amicably settle the dispute. Recording the same, the learned counsel on either side were directed to take instructions and report compromise before this Court.

3. The matter was listed for hearing on 23.03.2023. However, due to change in the sitting arrangements, the matter was not able to be listed on 23.03.2023. It was brought to the notice of this Court that both the parties were present on 23.03.2023, along with a joint compromise memo. The said submission made by the counsel appearing on either side is recorded.

4.A Joint compromise memo has been filed by the parties and the relevant



portions in the joint compromise memo are extracted hereunder:

“3) It is respectfully submitted that by the order dated 16/3/2018 in Cri.M.P.No.3937/2018 in the above Crl.Rc.No:324 of 2018, this Hon'ble court has directed the petitioner to deposit 50% of the cheque amount before the Hon'ble Judicial Magistrate cum Fast Track court, Tiruchengode and in due compliance of the same, the petitioner has deposited a sum of Rs.1,00,000/-.

4) It is respectfully submitted that as mentioned in the complaint the petitioner and the respondents are friends for 5 years. Due to some misunderstanding between them the complaint was filed and now during the pendency of the above criminal revision petition the parties above mentioned have settled their dispute and are ready for settlement.

5) The respondent shall be entitled to withdraw the said sum of Rs.1,00,000/- in court deposit and the petitioner has no objection for the withdrawal of Rs 1,00,000/- by the respondent which is deposited before the Hon'ble Judicial Magistrate cum Fast Track court, Tiruchengode.

6.The petitioner has on this day paid a sum of Rs.1,00,000/- (Rupees One Lakh Only) by way of D.D.dated 23.03.2023 Drawn on the South Indian Bank Ltd., bearing number "665886" issued by the Petitioner favouring the respondent and the receipt of the same is hereby acknowledged by the respondent/complainant in full and final settlement all his claims as against the petitioner in respect of the above complaint in S.T.C.No.221 of 2016.

7) It is therefore prayed that this Hon'ble Court may be



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pleased to record this Joint compromise memo filed by the parties and permit the respondent/complainant to compound the above offence under Sec.147 of Negotiable Instruments Act and consequently acquit the petitioner/accused of the alleged offence and to pass such further or other orders and thus render justice.”

5.In the light of the above development, the matter stands amicably settled between the parties and the same is recorded. The total cheque amount is Rs.2,00,000/- and out of the same, a sum of Rs.1,00,000/- was paid by way of demand draft by the petitioner to the respondent. The balance sum of Rs.1,00,000/- has already been deposited by the petitioner before the Trial Court in compliance with the condition imposed by this Court in Crl.MP.No.3937 of 2018 in Crl.RC.No.324 of 2018, dated 16.03.2018. It is left open to the respondent to file an appropriate memo before the Trial Court and seek for the withdrawal of this amount which has already been deposited by the petitioner. The Trial Court shall allow the memo and permit the respondent to withdraw the sum of Rs.1,00,000/- already deposited by the petitioner.

6.In the result, the offence is compounded and the judgment and order passed in Crl.A.No.11 of 2017 dated 09.01.2018, by the Principal Sessions Judge, Namakkal, confirming the judgment and order passed in S.T.C.No.221 of 2016, dated 15.02.2017, by the Judicial Magistrate, Fast Track Court, Tiruchengode, is hereby set aside.



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7.This criminal revision case is disposed of in the above terms.

27.03.2023

KP

Index : Yes/No

Internet : Yes/No

Speaking Order/Non-Speaking Order

Neutral Citation Case: Yes/No

To

1. Principal Sessions Judge, Namakkal.

2. Judicial Magistrate, Fast Track Court, Tiruchengode.



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N. ANAND VENKATESH, J.

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