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Crl.R.C.No.553 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.R.C.No.553 of 2016

R.Balakrishnan

... Petitioner

vs.

K.Sundaramoorthy (Deceased)

Mala

W/o Late K.Sundaramoorthy
(impleaded in the place of the
deceased sole respondent vide
order of the court dated 11.1.2023
in Crl.M.P.No.457/2023 in Crl.R.C.
No.553/2016).

... Respondent

Prayer: Criminal Revision filed under Sections 397 r/w 401 of the Code of Criminal Procedure to set aside the conviction, sentence and imprisonment passed by Additional District and Sessions Judge, Kancheepuram at Chengalpet District in Criminal Appeal No.83 of 2011 dated 21.01.2016 confirming the conviction and sentence passed by the Fast Track Judge, Alandur imposed on the petitioner by the trial Court in C.C.No.105 of 2011 dated 19.11.2011 convicting the petitioner/accused for the offence under Section 138 read with Section 142 of the Negotiable Instruments Act.

For Petitioner

: Mr.N.Baskaran

For Respondent

: Mr.N.Senthil Kumar



ORDER

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This Criminal Revision Case was filed against the judgment and order passed in CrI.A.No.83 of 2011 by the Additional District and Sessions Judge, Chengelpet dated 21.01.2016, confirming the judgment and order passed by the Judicial Magistrate, Fast Track Court (Magisterial Level), Alandur in C.C.No.105 of 2011 dated 19.11.2011, convicting the petitioner for offence under Section 138 of the Negotiable Instruments Act and sentencing him to undergo two months simple imprisonment and to pay a fine of Rs.3,000/- and in default to undergo one month simple imprisonment. The Trial Court also made payment of compensation of a sum of Rs.10,000/- as a part of sentence and in default to undergo one month simple imprisonment.

2. When the matter came up for hearing on 21.02.2023, this Court passed the following order.

“ The learned counsel for the petitioner submitted that the petitioner/accused suffered a serious accident recently and hence, wants to settle this matter with the respondent. The total cheque amount is to the tune of Rs.2,91,000/- (Rupees Two Lakhs Ninety One Thousand only). Out of the same, a balance of Rs.2,78,000/- (Rupees Two Lakhs Seventy Eight Thousand only) remains due and payable. The learned counsel for the petitioner submitted that the petitioner will settle a sum of Rs.2,50,000/- (Rupees Two Lakhs Fifty Thousand only).

2. Whereas, the learned counsel for the respondent submitted that this



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case has been going on from the year 2009 and hence, the petitioner must settle the balance amount with atleast some minimum interest.

3. The learned counsel for the petitioner seeks time to take instructions in this regard.

4. This criminal revision is of the year 2016 and hence, one last chance is granted by this Court to enable the parties to arrive at a settlement, failing which, the main revision will be taken up for hearing and final orders will be passed.”

3. When the matter was taken up for hearing today, the learned counsel for the petitioner submitted that a Demand Draft for a sum of Rs.2,78,000/- (Rupees Two Lakhs Seventy Eight Thousand Only) has been drawn in favour of the impleaded respondent S.Mala and the same was also handed over to the learned counsel for the respondent. Learned counsel for the respondent also acknowledged the said fact and submitted that the entire cheque amount has been paid by the petitioner and left it to this Court to pass further orders in this Criminal Revision Case. Learned counsel for the respondent further submitted that the petitioner has deposited a sum of Rs.10,000/- (Rupees Ten Thousand only) before the Trial Court and requested this Court to permit the respondent to withdraw the said amount. The impleaded respondent viz., S.Mala is permitted to file an appropriate memo before the Trial Court and the Trial Court shall permit the withdrawal of the sum of Rs.10,000/- that has already been deposited by the petitioner.



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4. Taking into consideration the fact that the parties have settled the dispute amongst themselves and the petitioner had settled the entire cheque amount to the respondent, the offence is compounded and the judgment and order passed by both the Courts below are hereby set aside. This Criminal Revision Case is disposed of in the above terms.

07.03.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
KST

To

- 1.The Additional District and Sessions Judge, Chengalpet.
- 2.The Judicial Magistrate, Fast Tract Court (Magisterial Level), Alandur.



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N. ANAND VENKATESH, J.

KST

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