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Crl.R.C.No.561 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.03.2023

CORAM :

THE HONOURABLE Dr. JUSTICE **G.JAYACHANDRAN**

Crl.R.C.No.561 of 2020

S.S.Syed
Petitioner

..

Vs.

N.Nalliannan

..Respondent

PRAYER : Criminal Revision Case has been filed under sections 397 read with 401 of Criminal Procedure Code to set aside the judgment passed in Crl.A.No.64 of 2019 dated 15.06.2020 on the file of the Principal Sessions Judge, Namakkal in confirming the order of conviction dated 25.10.2019 passed in C.C.No.249 of 2014 on the file of the Judicial Magistrate No.I, Namakkal and sentencing the petitioner to undergo six months simple imprisonment under Section 138 of the Negotiable Instrument Act, 1882 and to pay fine/compensation of Rs.8,00,000/- under Section 357 of the Cr.P.C., 1973 by allowing the present Criminal Revision Petition.

For Petitioner : Mr.R.S.Maitreya



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For Respondent : Mr.M.Pugazhendhi

ORDER

This Criminal Revision Case is directed against the concurrent findings of the Court below arising out of the complaint under Section 138 of Negotiable Instruments Act.

2. Pending disposal of the revision petition, the matter was referred to mediation. In the mediation, the parties have arrived at a compromise and decided to compound the offence. As per the terms of compromise, the revision petitioner has agreed to pay a sum of Rs.9 lakhs to the complainant. Out of Rs.9 lakhs, Rs.4 lakhs has already been deposited in C.C.No.249 of 2014, pursuant to the direction of this Court dated 16.07.2020, while suspending the sentence, the money deposited in the Court on 20.07.2020, which is lying in the account of C.C.No.249 of 2014. The parties have agreed to permit Nalliannan, the complainant in C.C.No.249 of 2014 to withdraw the same. The said Nalliannan has also given an undertaking that the mortgage deed dated 21.10.2011, executed by the accused in favour of S.Maheswaran will be cancelled and the original documents in respect of the property will be handed over to the



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revision petitioner/accused and this exercise will be completed within a period of one week from the date of compromise memo. The compromise memo dated 07.02.2023. Eventhough a week time has already been lapsed, the learned counsel for the parties state that there is some procedural delay in complying the condition and soon it will be complied.

3. This Court, on perusing the compromise memo dated 07.02.2023 entered into between the parties in the course of mediation, compound the offence, which is the subject matter in C.C.No.249 of 2014. The learned Judicial Magistrate No.I, Namakkal shall permit Nalliannan, the complainant to withdraw the amount of Rs.4 lakhs deposited, which is lying in the credit of C.C.No.249 of 2014 along with interest accrued if any, on production of the mortgage cancellation deed as agreed by him under clause (e) of the Joint Compromise Memo dated 07.02.2023.

Dr.G.JAYACHANDRAN, J.



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4. With the above direction, this Criminal Revision Case is disposed of as offence compounded.

15.03.2023

Internet : Yes/No

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To

1.The Principal Sessions Judge, Namakkal

2. The Judicial Magistrate No.I, Namakkal

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