



Crl.R.C.No.2006 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.11.2023

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.2006 of 2023

and

Crl.M.P.No.18577 of 2023

A.Aejaz Ahmed

... Petitioner/Accused

Vs.

S.Rajini

... Respondent/Complainant

PRAYER: Criminal Revision Case has been filed under Sections 397 and 401 of Cr.P.C, praying to set aside the order in C.A.No.68 of 2018 dated 07.11.2022 on the file of III Additional Sessions Judge, Vellore @ Tiruppattur District confirming the order passed in C.C.No.12 of 2016 dated 27.03.2018 on the file of Additional District Munsif cum Judicial Magistrate Court, Ambur, Vellore District.

For Petitioner

: Mr.Joseph Stalin

For Respondent

: Mr.K.P.Suresh Kumar

ORDER

This petition has been filed seeking to set aside the order passed in

C.A.No.68 of 2018 dated 07.11.2022 on the file of III Additional Sessions



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Judge, Vellore @ Tiruppattur District confirming the order passed in C.C.No.12 of 2016 dated 27.03.2018 on the file of Additional District Munsif cum Judicial Magistrate Court, Ambur, Vellore District.

2.The petitioner, who is the accused in C.C.No.12 of 2016 in a private complaint filed under Section 138 of the Negotiable Instruments Act, was convicted by the Trial Court by judgment dated 27.03.2018 and sentenced to undergo three months simple imprisonment and to pay a fine of Rs.1,00,000/- as compensation. Aggrieved against the same, the petitioner filed an appeal before the III Additional Sessions Judge, Vellore at Tirupattur in C.A.No.68 of 2018. The Sessions Judge by judgment dated 07.11.2022 dismissed the appeal confirming the conviction and sentence of the trial Court, against which, the present revision has been filed.

3.The petitioner, though raised very many grounds, had come forward to pay the cheque/compensation amount of Rs.1,00,000/-, since he is not interested to further pursue with the revision. He wants to give a quietus



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to the above case. Today, he has paid Rs.1,00,000/- in cash to the respondent.

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The respondent also received the same. Both petitioner and respondent and their respective counsels are present and all have confirmed the same. The only grievance of the respondent/complainant is that the cheque is of the year 2015 and it is almost 8 years and he would be happy if the cheque amount is paid with some reasonable interest.

4.The learned counsel for the petitioner submits that petitioner is in very pitiable condition and gain great difficulty to clear sin of having case against him. He made private lending and able to mobilise Rs.1,00,000/- and handed over the same. Further the petitioner's wish is that he has to visit Mecca, at that time he don't want any case against him. That is the primary reason for discharging his debt.

5.The respondent has filed compounding petition along with affidavit before this Court in Crl.M.P.No.18899 of 2023 in Crl.R.C.No.2006



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of 2023 invoking Section 147 of the Negotiable Instruments Act, 1881 to

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compound the offence and the same is ordered.

6.In the result, the case between the petitioner and the respondent is compounded. Hence, the judgment, dated 27.03.2018 in C.C.No.12 of 2016, passed by the learned Additional District Munsif cum Judicial Magistrate Court, Ambur, Vellore District and the judgment dated 07.11.2022 passed by the learned III Additional Sessions Judge, Vellore at Tirupattur District in Crl.A.No.68 of 2018 are set aside and the revision is, accordingly, allowed. The petitioner is acquitted of all the charges levelled against him. Consequently, connected criminal miscellaneous petition is closed.

28.11.2023

Index : Yes/No

Internet : Yes/No

Speaking order / Non-speaking order

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To

- 1.The III Additional Sessions Judge,
Vellore at Tiruppattur District.
- 2.The Additional District Munsif cum Judicial Magistrate,
Ambur, Vellore District.
- 3.The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

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