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Crl.R.C.No.652 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.04.2023

CORAM :

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

Crl.R.C.No.652 of 2020

and

Crl.M.P.No.4799 of 2020

M.Sumathi

.. Petitioner

Vs.

J.Chandrani

..Respondent

PRAYER : Criminal Revision Case has been filed under sections 397 read with 401 of Criminal Procedure Code to call for the records and set aside the judgment datd 17.05.2019 passed by the learned V Additional Sessions Judge, Chennai in C.A.No.381 of 2018, confirming the conviction and sentence passed by the learned FTC-I Metropolitan Magistrate, Egmore dated 29.06.2018 passed in C.C.No.4585 of 2011 convicting the petitioner by allowing the above Criminal Revision Petition.

For Petitioner : Mr.N.J.Madhan Raj

For Respondent : Mr.G.H.Vinobha Gandhi



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ORDER

This Criminal Revision Case is filed challenging the concurrent findings of the Courts below holding the revision petitioner/accused guilty of offence under Section 138 of Negotiable Instruments Act, for issuing a cheque for Rs.8,50,000/- to the respondent/complainant dated 18.10.2011 drawn at Dena Bank, Mount Road, Chennai

2. However, when the cheque presented for collection, it was returned due to insufficient funds. Hence criminal complaint was filed after causing statutory notice. The Trial Court in C.C.No.4585 of 2011 vide order dated 29.06.2018 held the revision petitioner guilty for issuing the cheque for Rs.8,50,000/- without sufficient fund, convicted and sentenced him to undergo 6 months Simple Imprisonment and to pay a compensation of the cheque amount.

3. Against this order, the revision petitioner preferred an appeal before the V Additional Sessions Judge, Chennai in Crl.A.No.381 of 2018, the lower Appellate Court dismissed the appeal on 18.05.2019, confirming the order of the Trial Court. Hence the present Criminal



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Revision Case is preferred.

4. Pending Revision Petition, the parties have entered into compromise and the complainant having received a sum of Rs.6,25,000/- has agreed to give full quit and satisfaction for the money due and payable against the cheque amount of Rs.8,50,000/-.

5. The learned counsel appearing for the respective counsels are present and also furnished a copy of the settlement entered into between the parties on 27.04.2022.

6. This Court, on considering the terms of settlement arrived as found in the compromise deed dated 27.04.2022 directs the Revision Petitioner to pay 5% of the cheque amount i.e., Rs.42,500/- as costs to the Secretary, Tamilnadu State Legal Services Authority, High Court, Chennai, within a period of one month from the date of this order to compound the offence and disposal of this Criminal Revision Case.

7. In the result, Criminal Revision Case is disposed of,



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recording the settlement, offence compounded. Consequently, the connected Criminal Miscellaneous Petition is also closed.

20.04.2023

Internet : Yes/No

Index: Yes/No

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To

- 1.The V Additional Sessions Judge, Chennai
- 2.The FTC-I Metropolitan Magistrate, Egmore, Chennai.
3. The Secretary, Tamilnadu State Legal Services Authority, High Court, Chennai

Dr.G.JAYACHANDRAN, J.



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