



Crl.R.C.No.761 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.06.2023

CORAM

THE HONOURABLE DR. JUSTICE **G.JAYACHANDRAN**

Crl.R.C.No.761 of 2020

V.Suresh Babu

... Petitioner

Vs.

S.Chandrasekaran

... Respondent

PRAYER: Criminal Revision case has been filed under Section 397 r/w 401 of Cr.P.C., to set aside the judgment dated 15.11.2019 passed in C.A.No.150 of 2018, on the file of the learned First Additional District and Sessions Judge, Tiruvallur, modifying the order dated 16.08.2018 passed in S.T.C.No.87 of 2016, on the file of the learned Judicial Magistrate, Fast Track Court, Magisterial level at Tiruvallur.

For Petitioner : Mr.S.Sairaman

For Respondent : Mr.C.Balaji



WEB COPY



Crl.R.C.No.761 of 2020

ORDER

This revision is filed by the accused who was found guilty by the trial Court for issuance of cheque for Rs.13,20,000/- in favour of the complainant and when the cheque was presented for collection on 30.05.2016 and the same returned on the next day with an endorsement of “Payment stopped”.

2. The cause of action for filing the complaint arose after causing statutory notice intimating the return of cheque and non-payment of cheque amount. To prove that the cheque was issued to discharge enforceable liability, the complainant mounted the witness box and deposed as P.W.1. In his support, P.W.2-Sukumar and P.W.3-Venkatesan were examined. Six documents were relied by the complainant. They are the original cheque, return memo, statutory notice, acknowledgement card and bank statements. In defence, the accused has chosen to remain silent.



Crl.R.C.No.761 of 2020

WEB COPY

3. The trial Court as well as the lower appellate Court held that the cheque was issued to discharge existing liability and therefore, the accused is punishable for the offence under Section 138 of NI Act. Accordingly, sentenced the accused to undergo one year simple imprisonment and to pay the compensation of Rs.13,20,000/- in default to undergo three months simple imprisonment.

4. When the revision petition was admitted and taken on file, it was submitted that already as a pre-condition, while filing appeal, the Sessions Court has directed the accused to deposit Rs.2,65,000/- in the account of S.T.C.No.87 of 2016 on the file of the Fast Tract Court Magistrate, Tiruvallur, and accordingly the same was deposited. Taking note of the said fact, this Court directed the revision petitioner/accused to deposit further sum of Rs.2,00,000/- in the STC account. Accordingly, the revision petitioner has deposited Rs.2,00,000/- on 29.09.2000, in S.T.C.No.87 of 2016.



Crl.R.C.No.761 of 2020

WEB COPY

5. As such, having deposited the total sum of Rs.4,65,000/- as pre-condition imposed by this Court, now the parties have arrived at settlement and the revision petitioner has drawn a Demand Draft dated 15.06.2023 for a sum of Rs.7,00,000/- drawn on Indian Overseas Bank, Vellore, vide D.D.No.049306 in favour of the defacto complainant, and also paid Rs.55,000/- by cash to the defacto complainant, who was recorded full quit and satisfied for the liability. A joint compromise memo also filed to that effect under Section 147 of the NI Act to compound the offence and prayed for orders. Parties are present and they are identified by their respective counsel.

6. Taking note of the joint compromise memo and payment of Rs.7,00,000/- by way of Demand Draft and Rs.55,000/- cash to the Defacto complainant, who is satisfied and given full quit for the debt of the accused, this Criminal Revision is disposed of by compounding the offence. The judgment dated 15.11.2019 passed in C.A.No.150 of 2018, on the file of the learned First Additional District and Sessions Judge, Tiruvallur, modifying the order dated 16.08.2018 passed in S.T.C.No.87



Crl.R.C.No.761 of 2020

of 2016, on the file of the learned Judicial Magistrate, Fast Track Court, Magisterial level, Tiruvallur, is hereby set aside. The petitioner/accused acquitted of all charges. Fine amount, if any, paid shall be refunded to the petitioner forthwith. Bail bonds, if any, executed shall stand cancelled. The complainant viz., S.Chandrasekaran is permitted to withdraw the entire amount of Rs.4,65,000/- which has deposited in the S.T.C.No.87 of 2016 on the file of the learned Judicial Magistrate, Fast Tract Court, Magistrate level, Tiruvallur. In any event, the amount being invested in a bank and accrued interest, the same shall be also payable to the complainant.

16.06.2023

Index: Yes/No
Internet: Yes/No
Speaking/Non-Speaking order

rts



WEB COPY



Crl.R.C.No.761 of 2020

Dr.G.JAYACHANDRAN, J

rts

To

1. The I Additional District and Session Judge,
Thiruvallur.
2. The Judicial Magistrate,
Fast Track Court,
Magisterial level,
Tiruvallur.

Crl.R.C.No.761 of 2020

16.06.2023