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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2023

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.702 of 2022
and
Crl.M.P.No.20019 of 2023

1.Srikanth
2.K.Saranya ... Petitioners/Accused

Vs.

1.Jayakumar
2.State represented by
Public Prosecutor,
Coimbatore. ... Respondents

PRAYER: Criminal Revision Case has been filed under Sections 397 and 401 of Cr.P.C, praying to set aside the judgment dated 16.03.2022 passed in C.A.No.147/2020 by the IV Additional District & Sessions Judge at Coimbatore confirming the judgment dated 25.02.2022 passed in C.C.No.669 of 2017 by the Judicial Magistrate, Fast Track Court No.1 @ Magistrate Level, Coimbatore, allow this revision.

For Petitioners : Mr.C.D.Sugumar

For Respondent-1 : Mr.A.Ashok Kumar
For Respondent-2 : Mr.A.Damodaran
Additional Public Prosecutor

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O R D E R

This petition has been filed seeking to set aside the judgment dated 16.03.2022 passed in C.A.No.147 of 2020 by the learned IV Additional District & Sessions Judge at Coimbatore confirming the judgment dated 25.02.2020 passed in C.C.No.669 of 2017 by the learned Judicial Magistrate, Fast Track Court No.1 @ Magistrate Level, Coimbatore and allow this revision.

2.The petitioners, who are the accused in C.C.No.669 of 2017 in a private complaint filed under Section 138 of the Negotiable Instruments Act by the first respondent, was convicted by the Trial Court by judgment dated 25.02.2020 and sentenced to undergo six months simple imprisonment and to pay compensation of Rs.12,00,000/-. Aggrieved against the same, the petitioners filed an appeal before the learned IV Additional District and Sessions Judge, Coimbatore in C.A.No.147 of 2020. The Sessions Judge by judgment dated 16.03.2022 dismissed the appeal confirming the conviction

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and sentence of the trial Court, against which, the present revision has been filed.

3.This Court, on 11.12.2023, had passed the following order:

"Today, the first petitioner/accused, respondent/complainant (through Video conference) and their respective counsel are present.

2.The first petitioner submitted that he has no objection for signing the compounding petition under Section 147 of N.I. Act. The respondent/complainant also agreed for the same. His only apprehension is that compounding of the offence should not affect his right in the civil suits in O.S.No.1424 of 2017 pending before the learned Principal District Munsif, Coimbatore and O.S.No.505 of 2019 pending before the learned IV Additional District Judge, Coimbatore. Both petitioner and respondent agreed as the compounding is only with regard to Section 138 of N.I. Act case, which was initiated by the respondent in C.C.No.669 of 2017, wherein the petitioners were convicted, which was confirmed by the Sessions Judge in C.A.No.147 of 2020. Both the counsel agreed that both together will prepare a petition, send it to the petitioners for signing, thereafter hand over the same to the

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respondent/complainant for signing. Thereafter, the signed petition will be produced before this Court by next date of hearing.

3.Post the matter on 20.12.2023.

4.The interim bail granted by this Court on 19.10.2023 is extended till then."

4.In continuation and conjunction to the earlier order passed by this Court on 11.12.2023, today, the petitioners as well as first respondent and their respective counsel are present. The first respondent/complainant confirms that the issue had been settled between them. He has filed compounding petition along with affidavit before this Court in Crl.M.P.No.20019 of 2023 in Crl.R.C.No.702 of 2022 invoking Section 147 of the Negotiable Instruments Act, 1881 to compound the offence and the same is ordered.

5.In the result, the case between the petitioners and the first respondent is compounded. Hence, the judgment, dated 25.02.2020 in C.C.No.669 of 2017, passed by the learned Judicial Magistrate, Fast Track

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Court No.1 @ Magisterial Level, Coimbatore and the judgment dated 16.03.2022 passed in C.A.No.147 of 2020 by the learned IV Additional District & Sessions Judge, Coimbatore are set aside and the revision is, accordingly, allowed. The petitioners are acquitted of all the charges levelled against them.

6.It is made clear that the first respondent/complainant's right in O.S.No.1424 of 2017 and O.S.No.505 of 2019 to be decided independently on the merits of each case. This compounding will have no bearing in both civil suits.

22.12.2023

Index : Yes/No
Internet : Yes/No
Speaking order / Non-speaking order
Neutral citation : Yes/No
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M.NIRMAL KUMAR, J.

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To

1.The Judicial Magistrate,
Fast Track Court No.1 @ Magistrate Level,
Coimbatore.

2.The IV Additional District & Sessions Judge,
Coimbatore.

3.The Public Prosecutor,
Coimbatore.

4.The Public Prosecutor,
High Court, Madras.

Crl.R.C.No.702 of 2022
and
Crl.M.P.No.20019 of 2023

22.12.2023

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