



Crl RC .No.1226 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.03.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl RC No.1226 of 2017

K.Seenivasan

... Petitioner/Appellant /Accused

Vs.

K.R.Kannan

...Respondent/Respondent/Complainant

Prayer : Criminal Revision Petition is filed under Section 397 of Cr.PC r/w 401 of the Constitution of India, to call for the entire records insofar related to order dated 26.07.2017 passed by the I Additional District and Sessions Judge, Erode, Erode District in C.A.No.68 of 2017 whereby confirming the order dated 24.01.2017 in S.T.C.No.202 of 2016 on the file of the Judicial Magistrate/FTC II, Erode, Erode District and set aside the same.

For Petitioner : R.Hemalatha



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For Respondent : Mr.E.J.Ayyappan

ORDER

This Criminal Revision case has been filed against the judgement and order of conviction and sentence by the petitioner for an offence under Section 138 of the Negotiable Instruments Act.

2. When the matter came up for hearing on 28.02.2023, this Court passed the following order :-

When the matter was called, the learned counsel for the petitioner submitted that the petitioner has already taken Demand Draft in favour of the respondent for a sum of Rs.5,50,000/- yesterday. A copy of the Demand Draft was also produced before this Court. The learned counsel submitted that the petitioner will be present before this Court on 02.03.2023 and on that day the settlement can be recorded between the parties.

Post this case under the same caption on 02.03.2023.



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3. When the matter was taken up for hearing today, the wife of the petitioner viz., Mrs.Sangeetha, was present before this Court. The learned counsel for the petitioner also produced the demand draft drawn in favour of the respondent for a sum of Rs.5,50,000/- [Rupees five lakhs fifty thousand only]. The said demand draft was also handed over to the learned counsel for the respondent.

4. The learned counsel appearing on either side submitted that this payment made by the petitioner to the respondent can be recorded and the offence can be compounded.

5. The learned counsel for the petitioner submitted that there was a related civil case in O.S.No.99 of 2016 which was pending on the file of Sub Court, Erode, and this suit has been



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decreed. The petitioner intends to settle this dispute also after filing of appeal against the judgement and decree passed by the Sub-Court, Erode.

6. It is left open to the petitioner to independently make an attempt to settle the dispute in the Civil case. On the alternative, it is also left open to the petitioner to contest the civil case on merits, after filing the appeal against the judgement and decree passed by the Trial Court. It is made clear that the order that is passed in this Criminal Revision Case will not come in the way of either of the parties in the civil case.

7. During the pendency of this Criminal Revision case, the sentence imposed by the Court below was suspended by this Court on 15.09.2017 vide Crl MP No.11758 of 2017 in Crl RC No.1226 of 2017, by imposing a condition that the petitioner must deposit a



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sum of Rs.1,50,000/- before the Trial Court. Accordingly, the amount was deposited before the Trial Court on 16.09.2017. The respondent is permitted to withdraw the amount deposited by the petitioner by filing an appropriate memo before the Trial Court and the Trial Court shall allow the memo and permit the respondent to withdraw the amount.

8. In the light of the above discussion, the offence under section 138 of the Negotiable Instruments Act against the petitioner stands compounded and the judgement and order passed in STC No.202 of 2016 by the learned Judicial Magistrate / Fast Track Court II, Erode, dated 24.01.2017 and as confirmed in Criminal Appeal No.68 of 2017, on the file of the 1st Additional District and Sessions Judge, Erode, dated 26.07.2017, is hereby set aside.



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9. This Criminal Revision case is disposed of in the above terms. No costs.

02.03.2023

Internet : Yes

Index : Yes

Speaking Order / Non Speaking Order
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To

1. 1st Additional District and Sessions Judge, Erode,
2. Judicial Magistrate / Fast Track Court II, Erode



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N. ANAND VENKATESH, J.

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