



CrI RC No.1295 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CrI RC No.1295 of 2017
and CrI MP No.12548 of 2017

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A.Peter ... Petitioner/Appellant /Single Accused

Vs.

M.Mohan ...Respondent/Complainant

Prayer : Criminal Revision case is filed under Section 397 and Section 401 of Cr.PC, to set aside the judgement passed in C.C.No.78 of 2012 dated 09.09.2016 on the file of Fast Track Court, Vellore and confirmed in C.A.No.39 of 2016 dated 11.08.2017.

For Petitioner : M/s.David Tyagaraj



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For Respondent : Mr.A.Nagarajan
for Respondent

ORDER

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

2. The Trial Court while convicting the petitioner has imposed sentence against the petitioner to undergo two years simple imprisonment and to pay a fine of Rs.5,000/- and in default to undergo three months simple imprisonment and further to pay a sum of Rs.26,000/- as compensation.

3. When this Criminal Revision case was entertained, the sentence was suspended with a condition that the petitioner should deposit a sum of Rs.2,00,000/- and this conditional order



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passed on 09.10.2017 has been complied with and this amount has been deposited to the credit of CC No.78 of 2012 on the file of Fast Track Court, Vellore.

4. During the pendency of this Criminal Revision case, efforts were taken to settle the dispute between the parties. The parties were not able to arrive at a final amount and that was the stage at which, the matter was posted for hearing today.

5. The learned counsel for the petitioner submitted that the petitioner is willing to settle a sum of Rs.14,00,000/- to the respondent and the petitioner also does not have any objection for the respondent to withdraw a sum of Rs.2,00,000/- which has already been deposited.

6. The learned counsel for respondent submitted that



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the respondent is present in Court and whatever amount he is willing to settle, can be ascertained by this Court and hence, the learned counsel requested this Court to enquire the respondent.

7. The respondent who was present before this Court stated that he wants something more than what has been offered by the learned counsel for the petitioner. Accordingly, this Court suggested a final amount of Rs.15,00,000/- to be settled by the petitioner to the respondent apart from the amount of Rs.2,00,000/-, which has already been deposited pursuant to the interim orders passed by this Court. After some deliberation, the respondent stated that he is willing to receive the amount as suggested by this Court.

8. Today, the petitioner has brought three demand drafts totaling a sum of Rs.14,00,000/- in favour of the respondent.



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For proper appreciation, the particulars of the demand drafts produced before this Court are recorded hereunder :-

<i>Sl.No.</i>	<i>D.D. In favour of</i>	<i>D.D.No.</i>	<i>Amount</i>
1.	<i>M.Mohan babu</i>	<i>508287</i>	<i>2,00,000</i>
2.	<i>M.Mohan babu</i>	<i>508286</i>	<i>5,00,000</i>
3.	<i>M.Mohan babu</i>	<i>112086</i>	<i>7,00,000</i>
	<i>Total</i>		<i>14,00,000</i>

9. The above demand drafts were handed over to the respondent, who was present in person before this Court.

10. The learned counsel for the petitioner on instructions from the petitioner who was present in Court, submitted that the balance amount of Rs.1,00,000/-will be paid by the petitioner to the respondent within a period of 30 days from today. The said statement made by the learned counsel for the petitioner is hereby recorded.



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11. In view of the above development, the matter has been amicably settled between the parties and the respondent has agreed to receive a total amount of Rs.17,00,000/- towards full quit. It goes without saying that the amount that has already been deposited by the petitioner to the credit of C.C.No.78 of 2012 before the Fast Track Court, Vellore, shall be permitted to be withdrawn by the respondent, on a appropriate memo being filed before the concerned Court.

12. After the coming into force of Section 147 of the Negotiable Instrument Act, the offence under Section 138 of the Negotiable Instruments Act becomes compoundable at any stage of the case. This provision does not impose any restriction on the stage at which the offence is compoundable. Hence, such compounding of offence can takes place even at the stage of



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revision. The provision itself starts with an non-obstante clause to the effect that such power is given under the Act notwithstanding anything contained in the code of Criminal Procedure. Such a wide power has been given since the nature of transaction involved is quasi criminal.

13. In the light of the above, since the matter has been compromised between the parties, this Court is inclined to compound the offence and accordingly, the judgement and order passed by both the Courts below convicting and sentencing the petitioner for an offence under Section 138 of the Negotiable Instrument Act is hereby set aside, since there is a compromise between the parties. This Criminal Revision case is disposed of accordingly. No costs. Post this Criminal Revision case under the caption for “Reporting compliance” on 21.03.2023. In the meantime, the balance amount of Rs.1,00,000/- is directed to be



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settled by the petitioner to the respondent. Consequently, the connected miscellaneous petition is closed.

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Internet : Yes
Index : Yes
Speaking Order / Non Speaking Order
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To
1. The Fast Track Court, Vellore
2. The Public Prosecutor
High Court, Madras



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N. ANAND VENKATESH, J.

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