



Crl RC .No.1507 & 1508 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl RC Nos.1507 and 1508 of 2017

L.Baskar

**..Petitioner/Appellant /Accused
in both Crl RCs**

Vs.

Mr.D.Venkatesh

..Respondent /Respondent/Complainant

Prayer in Crl RC No.1507 of 2017 : Criminal Revision case is filed under Section 397 (1) r/w 401 of Cr.PC to call for the records and set aside the conviction and sentence imposed on the petitioner by the judgement dated 19.06.2003 made in CC No.495 of 1998 by the learned Judicial Magistrate, No.IV, Vellore, and confirmed in appeal by the Judgement dated 07.10.2017 made in C.A.No.110 of 2003 by the Principal District and Sessions Judge, Vellore.

Prayer in Crl RC No.1508 of 2017 : Criminal Revision case is filed under Section 397 (1) r/w 401 of Cr.PC to call for the records and set aside the conviction and sentence imposed on the petitioner by the judgement dated 19.06.2003 made in CC No.496 of 1998 by the learned Judicial Magistrate, No.IV, Vellore, and confirmed in appeal by the Judgement dated 07.10.2017 made in C.A.No.111 of 2003 by th Principal District and



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Sessions Judge, Vellore.

For Petitioner : Mr.G.Rajkumar
in both Crl RCs
For Respondent : Mr.S.Rajkumar
in both Crl Rcs

COMMON ORDER

These Criminal Revision cases were filed against the judgment and order passed by the Judicial Magistrate IV, Vellore, convicting and sentencing the petitioner / accused for offence under Section 138 of the Negotiable Instruments Act and which was further confirmed in the appeal by the Principal District and Sessions Judge, Vellore.

2. When the matter was taken up for hearing on 09.03.2023, this Court passed the following order :-

This Court heard the learned counsel appearing on either side. This Court gave a proposal to the counsel appearing on either side and also the parties, who were present before this Court. The



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learned counsel for the petitioner sought for some time in this regard. Post this case under the caption “Part Heard case” on 14.03.2023.

2. *The earlier direction given by this Court to the Jurisdictional police to ensure the presence of the parties has been complied with. Mr.R.Sakthivel, GRI 2136, Viruthampet Police Station, Vellore District was present before this Court. Both the petitioner and the respondent were present before this Court. Hence, the compliance of the direction is hereby recorded.*

3. *The Registry is directed to remove the name of Public Prosecutor in the cause-list.*

3. This Court took into consideration the relationship between the parties and also the fact that there is scope for settlement and



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hence, the above order was passed and the parties and their respective counsel were directed to explore the possibility of settlement. When the case was taken up for hearing today, the learned counsel for the petitioner/ accused submitted that the advise given by this Court was followed up by the petitioner and the petitioner has taken demand drafts in favour of the respondent for a total sum of Rs.12,00,000/-. The learned counsel further submitted that a sum of Rs.2,00,000/- has already been deposited before the Trial Court complying with the condition imposed while the sentence was suspended by this Court. Thereby, a total sum of Rs.14,00,000/- is paid to the respondent towards settlement. This was the amount that was suggested by the Court during the last hearing and the petitioner has taken forward the advise given by the Court and has made the amount ready.

4. The respondent was present before this Court along with his counsel. The learned counsel for respondent submitted that he also advised the respondent on the suggestion made by this Court and that



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the respondent is willing to receive the sum of Rs.14,00,000/- in full quits. The learned counsel for respondent submitted that since the total amount of Rs.14,00,000/- is settled by the petitioner, as suggested by this Court, he leaves it to this Court to pass further orders in these criminal revision cases.

5. The petitioner has taken three separate demand drafts in the name of the respondent. Two demand drafts are dated 07.01.2023 for a sum of Rs.5,00,000/- and 3,00,000/- respectively. The third demand draft is dated 13.03.2023 for a sum of Rs.4,00,000/-. Thereby, demand drafts are payable for a total sum of Rs.12,00,000/- and these demand drafts were handed over to the respondent, who was present before this Court.

6. The petitioner has already deposited a sum of Rs.2,00,000/- before the Trial Court. It is left open to the respondent to file a memo before the Trial Court seeking for withdrawal of the amount and the Trial



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Court shall permit the respondent to withdraw the sum of Rs.2,00,000/-

7. In the light of the above development, this Court is inclined to compound the offence and thereby, the judgement and order passed by the Trial Court and as confirmed by the Appellate Court in both the cases are hereby set-aside.

8. These Criminal Revision cases are disposed of in the above terms. Since the criminal revision cases have been disposed of, the bail bonds executed by the petitioner shall stand automatically cancelled.No costs.

14.03.2023

Internet : Yes/No
Index : Yes/No
Speaking Order / Non Speaking Order
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N. ANAND VENKATESH, J.

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To

1. The Judicial Magistrate, No.IV, Vellore
2. The Principal District and Sessions Judge, Vellore.

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