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Crl RC .Nos.1546 and 1547 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.04.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl RC Nos.1546 and 1547 of 2017
and Crl MP Nos.15543 and 15544 of 2017

1. Sri Murugan,
Proprietor M/s.Supreme Construction,
New No.11, Hospital Street, S.P.Garden,
Kaveri Nagar, T.Nagar, Chennai - 17

... Petitioner in Crl.RC No.1546 of 2017
2nd petitioner in Crl RC No.1547 of 2017

2. M/s.Supreme Foundations Pvt Ltd.,
Rep by its Managing Director Sri Murugan
... 1st petitioner in Crl RC No.1547 of 2017

Vs.

R.Premalatha

...Respondent in both
Crl RCs

Prayer in Crl RC No.1546 of 2017: Criminal Revision case is filed



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under Section 397 r/w 401 of Cr.PC to set aside the order dated 27.10.2017 passed in C.A.No.64 of 2017 on the file of XV Additional sessions Court, Chennai confirming the sentence imposed in CC No.5245 of 2010 on the file of Metropolitan Magistrate Court, Fast Tract Court III imposing to undergo six months simple imprisonment and to pay the cheque amount of Rs.1,00,000/- as compensation to the respondent / complainant by allowing this revision petition.

Prayer in Crl RC No.1546 of 2017: Criminal Revision case is filed under Section 397 r/w 401 of Cr.PC to set aside the order dated 27.10.2017 passed in C.A.No.63 of 2017 on the file of XV Additional sessions Court, Chennai, confirming the sentence imposed in CC No.5244 of 2010 on the file of Metropolitan Magistrate Court, Fast Tract Court III imposing to undergo six months simple imprisonment and to pay the cheque amount of Rs.3,00,000/- as compensation to the respondent / complainant by allowing this revision petition.

For Petitioner : Mr.R.Amizhdhu
in both Crl RCs
For Respondent : Mr.K.R.Ramesh Kumar
in both Crl Rcs



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COMMON ORDER

These Criminal Revision cases were filed against the judgement and order passed by the Appellate Court confirming the order passed by the Trial Court in C.C.Nos.5244 and 5245 of 2010, convicting the petitioner for offense under Section 138 of the Negotiable Instruments Act and imposing sentence against him.

2. When the matter came up for hearing on 14.03.2023, this Court passed the following order :-

The learned counsel for the petitioner in both these criminal revision cases submitted that the total cheque amount that is covered in both the cases is Rs.4,00,000/- (Rupees Four Lakhs only). There was a settlement proposal in the year 2018 and accordingly, a sum of Rs.3,00,000/- (Rupees Three Lakhs only) was paid by the petitioner to the respondent and what remained as balance was only a sum of Rs.1,00,000/- (Rupees One Lakh only). The learned counsel for the



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petitioner further submitted that the petitioner has already deposited a total sum of Rs.40,000/- (Rupees Forty Thousand only) before the Trial Court, when a condition was imposed by the Appellate Court at the time of suspending the sentence. This amount was deposited on 11.04.2017 and the original receipt was also produced before this Court. The learned counsel for the petitioner therefore submitted that the petitioner is willing to deposit the balance amount of Rs.60,000/- (Rupees Sixty Thousand only), within the time frame fixed by this Court. The petitioner was also present before this Court at the time of hearing.

2.The learned counsel for the respondent submitted that the settlement was arrived at in the year 2018 and the petitioner had paid only a sum of Rs.3,00,000/- (Rupees Three Lakhs only) and the balance sum of Rs.1,00,000/- (Rupees One Lakh only) was not paid to the respondent. The learned counsel therefore submitted that the petitioner must be directed to pay some interest amount for not settling



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the balance of Rs.1,00,000/- (Rupees One Lakh only).

3.In the considered view of this Court, substantial justice will be rendered if the petitioner is directed to pay a sum of Rs.1,00,000/- (Rupees One Lakh only), within the time stipulated by this Court. This amount will be apart from the sum of Rs.40,000/- (Rupees Forty Thousand only) that has already been deposited by the petitioner before the Trial Court.

4.The petitioner, who was present before this Court was also directed to bring a Demand Draft in favour of the respondent for a sum of Rs.1,00,000/- (Rupees One Lakh only) during the next date of hearing. The petitioner agreed to make the funds ready and bring a Demand Draft during the next date of hearing.

5.In the light of the above, post this case under the caption 'For Reporting Settlement' on 28.03.2023. On that day, the petitioner shall bring a Demand Draft for a sum of Rs.1,00,000/- (Rupees One Lakh only) in



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favour of the respondent. Once this Demand Draft is handed over in favour of the respondent, the respondent will also be permitted to withdraw the amount of a sum of Rs.40,000/- (Rupees Forty Thousand only) that has been deposited before the Trial Court by the petitioner. Thereby, the settlement between the parties will be recorded and the offence itself can be compounded.

3. When the matter came up for hearing on 28.03.2023, this Court passed the following order :-

This Court passed the earlier order on 14.03.2023 and made it very clear that the petitioner must pay the balance amount of Rs.1,00,000/- (Rupees One Lakh only) to the respondent today.

2. When the matter was taken up for hearing, the petitioner, who was present in-person stated that he requires some more time to make arrangements for the payment of the sum of Rs.1,00,000/- (Rupees One Lakh



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only). This Court is not convinced with the attitude of the petitioner, since the petitioner had paid the sum of the Rs.3,00,000/- (Rupees Three Lakhs only) in the year 2018 and for the balance amount of Rs.1,00,000/- (Rupees One Lakh only), it has taken nearly five years and till now the petitioner has not settled the amount.

3.In view of the above, as a final chance, post this case under the same caption on 05.04.2023. It is made clear that if the petitioner does not bring the amount of Rs.1,00,000/- (Rupees One Lakh only) on that day, this Court will proceed further to pass orders on merits. In the meantime, the respondent is permitted to file a memo before the Trial Court and seek for the withdrawal of the sum of Rs.40,000/- (Rupees Forty Thousand only) that has already been deposited by the petitioner. The Trial Court shall entertain the memo and permit the respondent to withdraw the sum of Rs.40,000/- (Rupees Forty Thousand only).



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4. When the matter was taken up for hearing today, the petitioner and the respondent were present before this Court.

5. The learned counsel for the petitioner submitted that as advised by this Court, the petitioner has settled the sum of Rs.1,00,000/- by way of cash to the respondent. The learned counsel for respondent also acknowledged the said fact. This Court also enquired the respondent, who was present in person and she also confirmed that she received Rs.1,00,000/- by way of cash from the petitioner.

6. The learned counsel for respondent further submitted that already a memo has been filed before the Trial Court for withdrawal of the sum of Rs.40,000/- and the process is going on.



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7. In the light of the above development and taking into consideration the fact that the petitioner has complied with the directions issued by this Court and the parties having arrived at a settlement, the offence shall stand compounded and the judgement and order passed by the Trial Court in CC Nos.5244 & 5255 of 2010 and as confirmed by the Appellate Court in C.A.No.63 and 64 of 2017, are hereby set-aside.

8. Both the Criminal Revision cases are disposed of in the above terms. No costs. Consequently, the connected miscellaneous petitions are closed.

06.04.2023

Internet : Yes
Index : Yes
Speaking Order / Non Speaking Order
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N. ANAND VENKATESH, J.

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To

1. The XV Additional sessions Court, Chennai
2. The Metropolitan Magistrate Court, Fast Tract Court III

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06.04.2023

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