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Crl.R.C.No.2013 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2023

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.2013 of 2023 &

Crl.M.P.Nos.18605 & 18606 of 2023

Gayathri

... Petitioner

Vs.

M.Jaishankar

... Respondent

PRAYER: Criminal Revision Case filed under Sections 397 r/w. 401 of Cr.P.C, prayed to set aside the conviction imposed in the judgment dated 05.10.2023 made in Crl.A.No.267 of 2022 on the file of the IIIrd Additional Sessions Court at Chennai confirming the conviction imposed in Judgment dated 26.09.2022 made in C.C.No.2623 of 2015 on the file of the Metropolitan Magistrate, Fast Track Court-I, Egmore @ Allikulam.

For Petitioner : Mr.R.Thirumoorthy

For Respondent : Mr.N.Naresh

ORDER

This Criminal Revision Case has been filed to set aside the Judgment dated 05.10.2023 passed in Crl.A.No.267 of 2022 by the learned IIIrd



Crl.R.C.No.2013 of 2023

Additional Sessions Court at Chennai confirming the order dated 26.09.2022 passed in C.C.No.2623 of 2015 by the Metropolitan Magistrate, Fast Track Court-I, Egmore @ Allikulam.

2. The petitioner who is the accused in C.C.No.2623 of 2015 was convicted by the trial court by judgment dated 26.09.2022 wherein the petitioner was sentenced to undergo two year S.I. and to pay double the cheque amount as compensation to the respondent, in default, to undergo six months S.I. for the offence under section 138 of Negotiable Instruments Act. Aggrieved against the judgment, the petitioner had filed an appeal before the Sessions Court in Crl.A.No.267 of 2022. The Sessions court by judgment dated 05.10.2023 dismissed the appeal confirming the conviction and sentence of the trial court. Thereafter, the present revision has been filed.

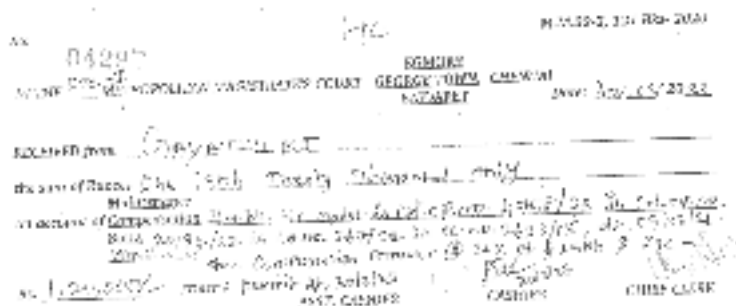
3. Pending the appeal before the Sessions Court, the petitioner filed a suspension of sentence petition in Crl.M.P.No.20194 of 2022 wherein the Sessions Court directed the petitioner to deposit 20% of the total compensation amount. The petitioner seeking extension of time to comply with the said condition filed Crl.O.P.No.4758 of 2023 and the time was



CrI.R.C.No.2013 of 2023

extended vide order of this Court dated 09.03.2023. Thereafter, the petitioner had deposited Rs.1,20,000/- i.e., 20% of total compensation on 30.03.2023.

The scanned copy of the receipt is as follows:



4. During the pendency of this revision, the petitioner/accused and the respondent/complainant arrived at a compromise and entered into an agreement wherein the respondent agreed to receive the cheque amount of Rs.3,00,000/-. As per the agreed terms, the balance amount of Rs.1,80,000/- was handed over to the respondent by way of Demand Draft bearing No.496446 dated 08.12.2023 and the same has been acknowledged by the respondent, the scanned copy is as follows:



Crl.R.C.No.2013 of 2023

WEB COPY PAYEE Indian Bank BRANCH NAME: CHENNAI		TRIPULICANE(00101)	
PAID TO: CHENNAI DEPARTMENT JAI SHANKAR		AMOUNT IN WORDS: ONE LAKH EIGHT THOUSAND ONLY	
FOR THE YEAR 2018-19		DATE OF ISSUE: 18/08/2018	
APPROVED BY: [Signature]		AMOUNT IN FIGURES: 180000.00	
REMARKS: PAYMENT FOR THE MONTH OF AUGUST 2018		APP NAME: A. GAYATHRI 122/MEDUGA95446 SERVICE BRANCH (CHENNAI) 01164	
T22-MDUG		ANALYST: ANASUD VERMA 78081	

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M. O. S. L. P. 12/23
13/12/23

5. Thereafter, the petitioner and the respondent filed Joint Compromise Memo by way of a petition under section 147 of Negotiable Instrument Act to compound the offence.

6. The learned counsel for the respondent has got no objection for the case to be compounded. The respondent would be satisfied if the cheque amount of Rs.3,00,000/- is received by him. The only apprehension of the



Crl.R.C.No.2013 of 2023

respondent is that he now received only Rs.1,80,000/- and the balance of Rs.1,20,000/- which is lying to the credit of C.C.No.2623 of 2015 is yet to be received by him and the same may be permitted to be received by the respondent, without further notice to the petitioner.

7. Learned counsel for the petitioner/accused submitted that the petitioner has got no objection for the respondent/complainant to receive the amount of Rs.1,20,000/- (One Lakh Twenty Thousand Only) lying to the credit of C.C.No.2623 of 2015 without any notice to him.

8. Recording the submissions made on either side, this Court is inclined to compound the offence. Accordingly, the judgment passed in Crl.A.No.267 of 2022 on the file of the learned IIIrd Additional Sessions Court at Chennai and C.C.No.2623 of 2015 on the file of the learned Metropolitan Magistrate, Fast Track Court-I, Egmore, Allikulam are hereby set aside and the petitioner/accused is acquitted from all the charges. The trial court is directed to handover to the respondent/complainant to receive the amount lying to the credit of C.C.No.2623 of 2015 without further notice to the petitioner.

9. In view of the above, this Criminal Revision Case is disposed of. Consequently, connected miscellaneous petitions are closed.



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Crl.R.C.No.2013 of 2023

13.12.2023

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Index : Yes/No

Speaking order/Non-speaking order

To

- 1.The IIIrd Additional Sessions Court at Chennai
- 2.The Metropolitan Magistrate, Fast Track Court-I, Egmore @ Allikulam.
- 3.The Public Prosecutor,
High Court, Madras.



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Crl.R.C.No.2013 of 2023

M.NIRMAL KUMAR,J.

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Crl.R.C.No.2013 of 2023

13.12.2023