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Crl.R.C.No.4 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :08.03.2023

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THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.R.C.No.4 of 2020

R.Parthasarathy

.. Petitioner

/versus/

M/s Galada Finance Limited,
Having its Registered Office at
Old No.4, New No.7, Shafee Mohammed Road,
Thousand Lights, Chennai 600 006,
Rep.by its Senior Manager cum
Authorized representative Mr.G.Ramesh

.. Respondent

Prayer : Criminal Revision Case has been filed under Section 397 and 401 of Cr.P.c., praying to set aside the order dated 27.11.2019 passed in Crl.A.No.338 of 2018 passed by learned III Additional Sessions Judge, Chennai, partly confirming the order in C.C.No.2171 of 2013, dated 17.05.2018 passed by the learned Metropolitan Magistrate, Fast Track-II at Allikulam, Chennai by allowing this revision petition.

For Petitioner :Mr.S.V.D.Rajendra Prasad

For Respondent :Mr.M.Arunachalam

ORDER

This Criminal Revision Case is filed by the accused/revision petitioner, who was suffered concurrent finding under Section 138 of the Negotiable Instruments Act, 1881 by the Courts below.

2.The respondent has preferred a private complaint before the XIV



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Metropolitan Magistrate, Egmore, Chennai, which was taken cognizance by the said Court in C.C.No.2171 of 2013. As per the complaint, the accused/revision petitioner herein entered into a hire purchase agreement for purchase of Scorpio SLX bearing Reg.No.TN-22-AY-7110 and availed loan of Rs.5,92,000/-. The accused agreed to repay the loan in 36 monthly instalments commencing from 02.08.2010. To discharge the monthly instalments, he gave a cheque for Rs.1,57,000/-, dated 28.02.2013, drawn on Syndicate Bank, Peravallur Branch, Chennai, but the said cheque was returned as 'unpaid' for insufficient fund along with bank memo dated 02.03.2013. After causing statutory notice, the private complaint has been filed before the Judicial Magistrate under Section 138 of the Negotiable Instruments Act, 1881.

3.The trial Court, on appreciating the evidence and defence raised by the accused/petitioner, held the accused guilty and sentenced him to undergo 1 year Simple Imprisonment and pay a sum of Rs.3,14,000/- as compensation, being twice the cheque amount.

4. Aggrieved by the judgment of the trial Court, the



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accused/petitioner has preferred an appeal before the III Additional Sessions Court, Chennai, in C.A.No.338 of 2018. The lower appellate Court, after re-appreciating the evidence, dismissed the appeal confirming the judgment of conviction, but modified the sentence imposed on the accused/revision petitioner to the effect that the petitioner/accused should pay the compensation of Rs.1,82,000/- being the cheque amount.

5. The present Revision Case has been filed by the accused being aggrieved by the concurrent finding of guilty and the consequential modified sentence by the lower appellate Court. Pending revision, this Court, as a pre-condition for suspension of sentence has directed the accused/petitioner to deposit a sum of Rs.1,82,000/- being the cheque amount to the credit of C.C.No.2171 of 2013 on the file of the Metropolitan Magistrate, Fast Track Court-2, Allikulam Commercial Complex, Chennai. Accordingly, the accused/Revision Petitioner has deposited a sum of Rs.1,82,000/- on 30.01.2020 and the same has been invested in Syndicate Bank, Purasawalkam Branch, Chennai, Vikas Cash Certificate No.004104, dated 04.02.2020.

6. When the matter taken up for final hearing, the learned counsel



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appearing for the Revision Petitioner/accused and the Respondent/

Complainant submitted that, the parties have agreed to settle the dispute on terms that the money deposited in the account of C.C.No.2171 of 2013 and invested in Syndicate Bank may be permitted to be withdrawn along with the accrued interest by the Complainant/Respondent, recording the terms, the complaint may be compounded.

7. In view of the above said submissions, this Criminal Revision Case is disposed of, recording the compounding the offence in C.C.No.2171 of 2013, with liberty to the complainant/respondent to withdraw the money deposited with accrued interest.

08.03.2023

Index:yes/no

Speaking order/non speaking order
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To:

- 1.The III Additional Sessions Judge, Chennai.
- 2.The Metropolitan Magistrate, Fast Track-II, Allikulam, Chennai.
- 3.The Public Prosecutor, High Court, Madras.

Dr.G.JAYACHANDRAN, J.



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