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CrI.R.C.No.231 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.09.2024

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

CrI.R.C.No.231 of 2023

C.Nagalingam

... Petitioner

Vs.

M.Arvind Bagrecha

... Respondent

PRAYER: Criminal Revision is filed under Section 397 & 401 of Cr.P.C, to set aside the judgement in Criminal Appeal No.181 of 2021 dated 04.11.2022 of XVIII Additional Sessions Judge at Chennai, confirming the order passed by the VIII Metropolitan Magistrate at George Town at Chennai in CC.No.526 of 2016 and call for the records and acquit the petitioner from all charges.

For Petitioner : M/s.K.B.Gopi

For Respondent : Ms.Rithya for Mr.Ralph V.Manohar

ORDER

This petition has been filed seeking to set aside the judgement passed by the XVIII Additional Sessions Judge at Chennai in Criminal Appeal No.181 of 2021 dated 04.11.2022, confirming the order passed by the VIII Metropolitan Magistrate at George Town at Chennai in CC.No.526 of 2016 and call for the records and acquit the petitioner from all charges.

2. The petitioner, who is the accused in C.C.No.526 of 2016 in a



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private complaint filed under Section 138 of the Negotiable Instruments Act by the respondent, was convicted by the Trial Court by judgement dated 29.10.2021 and sentenced to undergo six months simple imprisonment and to pay compensation of Rs.3,50,000/-, in default, to undergo six months further simple imprisonment. Aggrieved against the same, the petitioner had preferred an appeal before the learned XVIII Additional Sessions Judge at Chennai in C.A.No.181 of 2021. The Lower Appellate Court by judgement dated 04.11.2022 dismissed the appeal confirming the conviction and sentence of the Trial Court. Against which, the present revision petition has been filed.

3. During the pendency of the revision, the matter was referred to the Lok Adalat. On 09.12.2023, both parties appeared before the Lok Adalat and agreed to a settlement of Rs.2,25,000/-. On 09.09.2024, before the Lok Adalat, a sum of Rs.10,000/- was paid by the petitioner/accused, who also agreed to pay the balance amount of Rs.2,15,000/- to the respondent on or before 15.12.2023.

4. A Joint Memo of Compromise dated 15.12.2023 is filed in the Court. The Joint Memo of Compromise is signed by the petitioner, the



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respondent, and their respective counsels. The scanned reproduction of the Joint Memo of Compromise is as follows:-

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Appellate Jurisdiction)
CrI.R.C.No. 231 of 2023
Against
CrI.Appeal No. 181 of 2021
On the file of XVIII Additional Session Judge at Chennai
In
CC No.526 of 2016
On the file of VIII Metropolitan Magistrate at George Town, Chennai,
C.NagalingamPetitioner/Appellant/Accused
Versus
M.Arvind BagrechaRespondent/Respondent/complainant
JOINT MEMO OF COMPROMISE.

It is humbly submitted before this Hon'ble Court that the above CrI.R.C.No.231 of 2023 came up for hearing before LOK ADALAT on 09.12.2023. Both the parties have agreed for a settlement of Rs.2,25,000/-. The petitioner / accused paid a sum of Rs.10,000/- before the LOK ADALAT on 09.12.2023 and agreed to pay balance amount of Rs.2,15,000/- to the respondent on (or) before 15.12.2023 before the Appellate Court.

Today 15.12.2023 the petitioner had paid the balance amount of Rs.2,15,000/- to the respondent and the respondent acknowledges the same for having received the balance amount.

Under these circumstances it is prayed that this Hon'ble Court may be pleased to record the memo and thus render justice.

Dated at Chennai on this 15th day of December 2023

C. N. Nagalingam
Petitioner
Arvind Bagrecha
Respondent
15/12/2023

K. B. G. R.
Counsel for Petitioner
R. Arvind
Counsel for Respondent
15/12/23

5. Recording the same, the judgement passed by the XVIII Additional Sessions Judge at Chennai in Criminal Appeal No.181 of 2021 dated



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04.11.2022, confirming the order passed by the VIII Metropolitan Magistrate at George Town at Chennai in CC.No.526 of 2016 are set aside and the revision is accordingly allowed. The petitioner is acquitted of the charges under Section 138 of the Negotiable Instruments Act. The Joint Memo of Compromise dated 15.12.2023 shall form part of the Court records. No Costs.

10.09.2024

Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
(shr)

To

1. The XVIII Additional Sessions Judge at Chennai.
2. VIII Metropolitan Magistrate at George Town at Chennai
3. The Public Prosecutor, High Court, Madras.



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M.NIRMAL KUMAR, J.,

(shr)

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