



Crl.R.C.Nos.309 and 310 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.09.2024

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

**Crl.R.C.Nos.309 and 310 of 2021 and
Crl.M.P.Nos.13533 and 13534 of 2024**

1. M/s.Sakthi Drives,
Represented by its Partner P.G.Senthil,
No.4A, ESR Pearl Apartments,
121, Shivaram Nagar,
Ramanathapuram,
Coimbatore - 641 045.

2. P.G.Senthil,
S/o.Gopalsamy,
Partner of M/s.Sakthi Drives,
No.4A, ESR Pearl Apartments,
121, Shivaram Nagar,
Ramanathapuram,
Coimbatore - 641 045.

... Petitioners
in both Crl.RCs

Vs.

M/s.Maxx Equipments Company,
Represented by its Managing Director D.Kannan,
No.2, Bango Road,
Kavundampalayam,
Coimbatore - 641 030.

... Respondent
in both Crl.RCs



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COMMON PRAYER: Criminal Revision Cases filed under Section 397 & 401 of Cr.P.C to set aside the conviction and sentence imposed in the judgment dated 11.03.2021 made in C.A.Nos.228 and 227 of 2017 on the file of the IV Additional District and Sessions Judge, Coimbatore confirming the conviction and sentence and to pay the compensation amount imposed in judgment dated 10.07.2017 made in C.C.Nos.30 and 29 of 2014 on the file of the Judicial Magistrate-II, Fast Track Court at Coimbatore, by allowing the above criminal revision petitions.

For Petitioners
in both Crl.RCs : Mr.T.Balaji

For Respondent
in both Crl.RCs : Mr.V.R.Rajasekaran

C O M M O N O R D E R

These petitions have been filed seeking to set aside the judgment in C.A.Nos.228 and 227 of 2017 on the file of IV Additional District and Sessions Judge, Coimbatore dated 11.03.2021 confirming the conviction and sentence passed in C.C.Nos.30 and 29 of 2014 dated 10.07.2017 on the file of Judicial Magistrate-II, Fast Track Court at Coimbatore,



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2. The petitioners are the accused in C.C.Nos.30 and 29 of 2014 in a private complaint filed by the respondent / complainant under Sections 138 and 141 of the Negotiable Instruments Act. The trial Court, by judgment dated 10.07.2017, convicted the first petitioner Firm under Sections 138 and 141 of NI Act and to pay the cheque amount as compensation within one month. In default to pay the compensation, the second petitioner who is the signatory of the cheque, is liable to undergo six months simple imprisonment. The second accused is also convicted under Section 138 of NI Act and sentenced him to undergo one year simple imprisonment. Aggrieved against the said judgment, the petitioners preferred an appeal in C.A.Nos.228 and 227 of 2017 before the learned IV Additional District and Sessions Judge, Coimbatore. The learned Judge, by judgement dated 11.03.2021, dismissed the appeals confirming the conviction and sentence of the trial Court, against which, the present revisions have been filed.

3. Today, the petitioners as well as respondent and their respective



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counsel are present. Both the petitioners and respondent confirmed the compromise entered between them and the respondent / complainant reiterated the compounding of the offence. The learned counsel for petitioners filed compounding petitions before this Court in Crl.M.P.Nos.13533 and 13534 of 2024 in Crl.R.C.Nos.309 and 310 of 2021 invoking Section 147 of the Negotiable Instruments Act, 1881 to compound the offence, along with Joint Compromise Memo, signed by the second petitioner on behalf of the first petitioner, respondent and their respective counsel and the said petitions are ordered.

4. In the result, the case between the petitioners and the respondent is compounded. Hence, the judgment, dated 10.07.2017 in C.C.Nos.30 and 29 of 2014, passed by the Judicial Magistrate-II, Fast Track Court at Coimbatore, and the judgment dated 11.03.2021 in C.A.Nos.228 and 227 of 2017 passed by the learned IV Additional District and Sessions Judge, Coimbatore are set aside and the Criminal Revision Cases are, accordingly, allowed. The petitioners are acquitted of the charges under Sections 138 and



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141 of the Negotiable Instruments Act.

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NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No

vji

To

1. The IV Additional District and Sessions Judge,
Coimbatore.
2. The Judicial Magistrate-II, Fast Track Court,
Coimbatore
3. The Additional Public Prosecutor,
Madras High Court.
4. The Managing Director,
M/s.Maxx Equipments Company,
No.2, Bango Road,
Kavundampalayam,
Coimbatore - 641 030.



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