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Crl.R.C.No.1125 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.10.2024

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.1125 of 2024
and Crl.M.P.No.14784 of 2024

1.M/s.Maka Dyes and Chemicals,
Rep. By its Partner K.S.Raja
3/492B, Brindha Garden,
Kuppandampalayam, Veerapandi Post,
Tirupur – 641 605.

2.K.S.Raja
3.R.Revathi

... Petitioners

Vs.

M/s.Yoshiaki Chemical Co. (P) Ltd.,
Rep. By its Director Paramasivan Moorghen,
1/63A, N.H.Main Road, Pudupalayam Pirivu,
Perumanallur, Tirupur.

... Respondent

PRAYER: Criminal Revision Petition filed under Sections 397 r/w. 401 of Criminal Procedure Code, to set aside the order of the Principal Sessions Court, Tirupur in C.A.No.117 of 2022 confirming the order of the Fast Track Court Magistrate Level at Tirupur in C.C.No.307 of 2017 convicting the accused for the offence punishable under Section 138 of Negotiable Instruments Act, 1881.

For Petitioner : M/s.Gunasri.M.P.



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ORDER

The petitioners were convicted by judgment, dated 29.07.2022 in C.C.No.307 of 2017, by the learned Judicial Magistrate, Fast Track Court, Tirupur, for the offence under Section 138 of the Negotiable Instruments Act and sentenced the petitioners 2 and 3 to undergo six months Simple Imprisonment and to pay the cheque amount of Rs.30,29,001/- as compensation to the respondent, in default, to undergo one month simple imprisonment. Aggrieved over the judgment of the trial Court, an appeal was preferred by the petitioner before the Principal Sessions Court, Tirupur/lower appellate Court in C.A.No.117 of 2022. The learned Principal Sessions Judge, Tirupur by judgment dated 27.03.2024 dismissed the appeal, confirming the judgment of the trial Court, against which the present revision.

2.The learned counsel for the petitioners submits that now the issue between the petitioners and the respondent got resolved and Rs.24,00,000/- was agreed as full and final settlement. He would submit that the petitioners



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already paid Rs.3,00,000/- to the respondent. Further, the petitioners remitted Rs.15,14,500/- to the credit of C.C.No.307 of 2017 on the file of the Fast Track Court Magistrate Level, Tirpur and the balance amount of Rs.6,00,000/- was paid to the respondent on 04.09.2024. Hence, prayed for allowing the appeal and discharging the petitioner from the above case.

3.Today, the petitioners as well as the respondent [through video conferencing] are present before this Court. Both the parties as well as the learned counsel for the petitioners submitted that the issue between the petitioners and the respondent have been amicably resolved.

4.The respondent confirms the receipt of the amount and his only plea is that he may be permitted to withdraw the amount of Rs.15,14,500/- which has been deposited by the petitioner to the credit of C.C.No.307 of 2017 on the file of the Fast Track Court Magistrate Level, Tirupur.

5.The learned counsel for the petitioners has got no objection for the respondent withdrawing the amount deposited before the Trial Court.



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6.The petitioners filed compounding petition along with affidavit before this Court in Crl.M.P.No.14784 of 2024 in Crl.R.C.No.1125 of 2024 invoking Section 147 of the Negotiable Instruments Act, 1881 to compound the offence and the same is ordered.

7.In the result, the case between the petitioners and the respondent is compounded. Hence, the judgment, dated 29.07.2022 in C.C.No.307 of 2017, passed by the Fast Track Court Magistrate Level, Tirupur and the judgment dated 27.03.2024 passed by the learned Principal Sessions Judge, Tirupur in C.A.No.117 of 2022 are set aside and the revision is, accordingly, allowed. The respondent/complainant is permitted to withdraw the amount of Rs.15,14,500/- lying in the credit of C.C.No.307 of 2017 by filing an appropriate petition before the Trial Court. Notice to the petitioner/accused is dispensed with. The petitioners are discharged from all charges levelled against them.

22.10.2024

Index:Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation: Yes/No
cse



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To

- 1.The Principal Sessions Judge,
Tirupur.
- 2.The Judicial Magistrate
Fast Track Court Magistrate Level,
Tirupur.



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M.NIRMAL KUMAR, J.

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