



Crl.R.C.No.803 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2024

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.803 of 2023
and Crl.M.P.No.15496 of 2024

Benny @ Benny J Samraj

... Petitioner

Vs.

Mohan Babu

... Respondent

PRAYER: Criminal Revision Petition filed under Section 397 and 401 of Cr.P.C. to call for the records and set aside the conviction and sentence passed by the learned Judicial Magistrate, Maduranthakam passed in C.C.No.131 of 2018 dated 21.01.2021 convicting the petitioner herein under Section 138 of the Negotiable Instruments Act and sentencing him to undergo six months rigorous imprisonment and to pay a fine of Rs.20,00,000/- (Double the amount of cheque amount of Rs.10,00,000/-) under Section 357 Cr.P.C. which was confirmed by the learned Principal District and Sessions Judge, Kancheepuram District at Chengalpattu in C.A.No.3 of 2021 dated 10.04.2023.

For Petitioner : Mr.T.R.Ravi
For Respondent : Mr.M.Marimuthu



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ORDER

The petitioner was convicted by judgment, dated 21.01.2021 in C.C.No.131 of 2018, by the learned Judicial Magistrate, Maduranthakam, for the offence under Section 138 of the Negotiable Instruments Act and sentenced to undergo six months rigorous Imprisonment and to pay a compensation of Rs.20,00,000/- i.e., double the cheque amount as compensation to the respondent. Aggrieved over the judgment of the trial Court, an appeal was preferred by the petitioner before the learned Principal District and Sessions Judge, Kancheepuram District at Chengalpattu/lower appellate Court in C.A.No.3 of 2021. The learned Sessions Judge by judgment dated 10.04.2023 dismissed the appeal, confirming the judgment of the trial Court, against which the present revision.

2.The gist of the case is that the petitioner approached the respondent and borrowed a sum of Rs.10,00,000/- for his family expenses. In discharge of the said liability, the petitioner issued a cheque. When the cheque was presented for encashment, the same was returned for the reason 'Funds



Insufficient'. After following the statutory conditions, complaint was filed by the respondent.

3.During trial, P.W.1 examined and Ex.P1 to Ex.P5 marked on the side of the respondent/complainant. On the side of the petitioner, D.W.1 examined and Ex.D1 marked. The trial Court on conclusion of trial found the petitioner guilty and convicted him as stated above.

4.The learned counsel for the petitioner submits that now the issue between the petitioner and the respondent got resolved. Hence, prayed for allowing the appeal and discharging the petitioner from the above case.

5.The petitioner filed compounding petition along with affidavit before this Court in Crl.M.P.No.15496 of 2024 in Crl.R.C.No.803 of 2023 invoking Section 147 of the Negotiable Instruments Act, 1881 to compound the offence and the same is ordered.



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6. In the result, the case between the petitioner and the respondent is compounded. Hence, the judgment, dated 21.01.2021 in C.C.No.131 of 2018, passed by the learned Judicial Magistrate, Maduranthakam and the judgment dated 10.04.2023 passed by the learned Principal District and Sessions Judge, Kancheepuram District at Chengalpattu in C.A.No.3 of 2021 are set aside and the revision is allowed accordingly. The petitioner is discharged from all charges levelled against him.

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Index: Yes/No

Speaking Order/Non-Speaking Order

Neutral Citation: Yes/No

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To

- 1.The Judicial Magistrate,
Maduranthakam.
- 2.The Principal District and Sessions Judge,
Kancheepuram District,
at Chengalpattu



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M.NIRMAL KUMAR, J.

cse

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