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Crl.R.C.No.1119 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.01.2024

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.1119 of 2023

S.Venkataraman

... Petitioner/Accused

Vs.

N.Rajesh

... Respondent/Complainant

PRAYER: Criminal Revision Case has been filed under Sections 397 and 401 of Cr.P.C, praying to call for the records and set aside the judgment passed in Criminal Appeal No.127 of 2017 on 12.10.2022 by the learned VII Additional Sessions Judge, Chennai and confirming the judgment passed in C.C.No.1772 of 2016 on the file of Fast Track Court No.IV, Metropolitan Magistrate Court, George Town, Chennai and allow the revision with cost.

For Petitioner : Mr.R.Sathish Kumar

For Respondent : Mr.S.Yoganantham

ORDER

This petition has been filed seeking to set aside the judgment passed in Criminal Appeal No.127 of 2017 on 12.10.2022 by the learned VII Additional Sessions Judge, City Civil Court, Chennai, confirming the



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judgment passed in C.C.No.1772 of 2016 on the file of Metropolitan
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Magistrate, Fast Track Court No.IV, George Town, Chennai.

2.The petitioner is the accused in C.C.No.1772 of 2016 in a private complaint filed by the respondent/complainant under Section 138 of the Negotiable Instruments Act. The Trial Court, by judgment dated 12.05.2017, convicted the petitioner and sentenced him to undergo six months simple imprisonment and to pay a compensation of Rs.16,00,000/- to the respondent, which is covered by four cheques issued against the respondent, which is marked as Exhibit P1 series. Aggrieved against the judgment, the petitioner had preferred an appeal in C.A.No.127 of 2017 before the VII Additional Sessions Judge, City Civil Court, Chennai. The learned Sessions Judge, by judgement dated 12.10.2022, dismissed the appeal confirming the conviction and sentence of the trial Court, against which, the present revision has been filed.



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3.The learned counsel for the petitioner submitted that during the pendency of the revision, the petitioner as well as the respondent had entered into a compromise and the respondent had agreed to withdraw and compounding the case against the petitioner.

4.Today, the petitioner as well as respondent and their respective counsel are present. Both petitioner and respondent confirmed the compromise entered between them and the respondent/complainant reiterated the compounding of the offence. The petitioner has also filed a compounding petition along with consent affidavit, Memorandum of Understanding entered between the petitioner and the respondent and Joint Memo of Compromise signed by the petitioner, respondent and their respective counsel before this Court in Crl.M.P.No.297 of 2024 in Crl.R.C.No.1119 of 2023 invoking Section 147 of the Negotiable Instruments Act, 1881 to compound the offence and the same is ordered.



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5.In the result, the case between the petitioner and the respondent is compounded. Hence, the judgment, dated 12.05.2017 in C.C.No.1772 of 2016, passed by the learned Metropolitan Magistrate, Fast Track Court-IV, George Town, Chennai and the judgment dated 12.10.2022 in C.A.No.127 of 2017 passed by the learned VII Additional Sessions Judge, City Civil Court, Chennai are set aside and the revision is, accordingly, allowed. The petitioner is acquitted of all the charges levelled against him.

08.01.2024

Index : Yes/No

Internet : Yes/No

Speaking order / Non-speaking order

Neutral citation : Yes/No

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To
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- 1.The Metropolitan Magistrate,
Fast Track Court-IV, George Town, Chennai.

- 2.The VII Additional Sessions Judge,
City Civil Court, Chennai.



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M.NIRMAL KUMAR, J.

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