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Crl.R.C.No.1379 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.08.2024

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.1379 of 2022

and

Crl.M.P.Nos.15197 of 2022 & 11625 of 2024

M.Balamani

... Petitioner

Vs.

T.Raja

... Respondent

PRAYER: Criminal Revision Petition filed under Sections 397 r/w. 401 of Criminal Procedure Code, to call for the records pertaining to impugned sentence and order dated 23.04.2022 passed in Criminal Appeal No.10 of 2021 on the file of the District and V Additional Sessions Court, Coimbatore confirming the judgment and order dated 03.12.2020 passed by the Judicial Magistrate Court [Fast Tract] No.II, Coimbatore in C.C.No.202 of 2017 and sentencing him to undergo six months of rigorous imprisonment and imposing a fine of Rs.7,00,000/- [Rupees Seven Lakhs only] with 6% of interest and set aside the same as illegal, perverse, contrary to law, evidence and settled principles of law.



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For Petitioner : Mr.M.Ujjval Jain
for Mr.R.Veeramani

For Respondent : Mr.M.Kamaraj

ORDER

The petitioner was convicted by judgment, dated 03.12.2020 in C.C.No.202 of 2017, by the learned Judicial Magistrate (Fast Track) No.II, Coimbatore, for offence under Section 138 of the Negotiable Instruments Act and sentenced to undergo six months Simple Imprisonment and to pay the cheque amount of Rs.7,00,000/- with 6% of interest as compensation to the respondent within one from the date of judgment, in default, to undergo three months simple imprisonment. Aggrieved over the judgment of the trial Court, an appeal was preferred by the petitioner before the V Additional District and Sessions Court, Coimbatore/lower appellate Court in C.A.No.10 of 2021. The learned V Additional District and Sessions Judge, Coimbatore by judgment dated 23.04.2022, dismissed the appeal, confirming the judgment of the trial Court, against which the present revision.



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2.The learned counsel for the petitioner submits that now the issue between the petitioner and the respondent got resolved. He would submit that the petitioner remitted Rs.1,40,000/- to the credit of C.C.No.202 of 2017 before the Trial Court on 16.02.2021 pursuant to the directions of the Sessions Court in Crl.M.P.No.165 of 2021 dated 20.01.2021 vide receipt No.069. He further submitted that the balance agreed amount of Rs.5,10,000/- was transferred by way of NEFT to the respondent's bank account on 07.03.2024. Hence, prayed for allowing the appeal and discharging the petitioner from the above case.

3.Today, the petitioner as well as the respondent in both the revision petitions and their respective counsels are present before this Court. Both the parties as well as the counsels submitted that the issue between the petitioner and the respondents have been amicably resolved.

4.The learned counsel for the respondent confirms the receipt of the amount and his only plea is that the respondent may be permitted to withdraw the amount of Rs.1,40,000/- which has been deposited by the



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petitioner to the credit of C.C.No.202 of 2017 on the file of the learned Judicial Magistrate (Fast Track) No.II, Coimbatore.

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

6.The petitioner has filed compounding petition along with affidavit before this Court in Crl.M.P.No.11625 of 2024 in Crl.R.C.No.1379 of 2022 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 petitioner and the respondent is compounded. Hence, the judgment, dated 03.12.2020 in C.C.No.202 of 2017, passed by the learned Judicial Magistrate (Fast Track) No.II, Coimbatore and the judgment dated 23.04.2022 passed by the learned V Additional District and Sessions Judge, Coimbatore in C.A.No.10 of 2021 are set aside and the revision is, accordingly, allowed. The respondent/complainant is permitted to withdraw the amount of



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Rs.1,40,000/- lying in the credit of C.C.No.202 of 2017 by filing an appropriate petition before the Trial Court. Notice to the petitioner/accused is dispensed with. The petitioner is acquitted of all the charges levelled against him. Consequently, connected miscellaneous petition is closed.

20.08.2024

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

To

- 1.The V Additional District and Sessions Judge,
Coimbatore.
- 2.The Judicial Magistrate(Fast Track) No.II,
Coimbatore.



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M.NIRMAL KUMAR, J.

cse

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