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Crl.R.C.No.2121 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.03.2024

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.2121 of 2023

and

Crl.M.P.Nos.19270 of 2023

and 4520 of 2024

S.Ganesh Kumar

... Petitioner/Accused

Vs.

K.Sekar

... Respondent/Complainant

PRAYER: Criminal Revision Case has been filed under Sections 397 and 401 of Cr.P.C, praying to call for the records relating to the judgment dated 27.04.2022 passed by the learned Principal Sessions Judge at Tiruvallur in Crl.A.No.21 of 2020 confirming the judgment and sentence dated 19.09.2018 passed in STC No.219 of 2016 on the file of the learned Judicial Magistrate, FTC, Ambattur and set aside the same thereby acquit the appellant herein.

For Petitioner : Mr.G.Mageshkumar

For Respondent : Mr.M.Selvam



Crl.R.C.No.2121 of 2023

ORDER

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This petition has been filed seeking to set aside the judgment in Crl.A.No.21 of 2020 dated 27.04.2022 on the file of the learned Principal Sessions Judge, Tiruvallur confirming the judgment dated 19.09.2018 passed in STC No.219 of 2016 on the file of the learned Judicial Magistrate, Fast Track Court, Ambattur.

2.The petitioner, who is the accused in STC.No.219 of 2016 in a private complaint filed under Section 138 of the Negotiable Instruments Act by the respondent, was convicted by the Trial Court by judgment dated 19.09.2018 and sentenced to undergo six months simple imprisonment and to pay compensation of Rs.66,100/-. Aggrieved against the same, he filed an appeal before the learned Principal Sessions Judge, Tiruvallur in C.A.No.21 of 2020. The Sessions Judge by judgment dated 27.04.2022 dismissed the appeal confirming the conviction and sentence of the trial Court, against which, the present revision has been filed.



Crl.R.C.No.2121 of 2023

WEB COPY

3.Today, the petitioner as well as the respondent and their respective counsel are present. The identity of the petitioner and respondent is not disputed. The respondent admits that a Demand Draft for a sum of Rs.66,100/- has been received by him, which is the cheque amount and he has also encashed the same. Both petitioner and respondent have filed a compounding petition along with affidavit signed by the petitioner, respondent and the learned counsel for petitioner before this Court in Crl.M.P.No.4520 of 2024 in Crl.R.C.No.2121 of 2023 invoking Section 147 of the Negotiable Instruments Act, 1881 to compound the offence and the same is ordered.

4.In view of the same, the case between the petitioner and the respondent is compounded. Hence, the judgment, dated 19.09.2018 in STC.No.219 of 2016, passed by the learned Judicial Magistrate, Fast Track Court, Ambattur and the judgment dated 27.04.2022 passed in



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Crl.R.C.No.2121 of 2023

M.NIRMAL KUMAR, J.

rsi

Crl.A.No.21 of 2020 by the learned Principal Sessions Judge, Tiruvallur are set aside and the revision is, accordingly, allowed. The petitioner is acquitted of all the charges levelled against him. Consequently, connected Criminal Miscellaneous petition is closed.

07.03.2024

Index : Yes/No

Speaking order / Non-speaking order

Neutral citation : Yes/No

rsi

To

1.The Judicial Magistrate,
Fast Track Court, Ambattur.

2.The Principal Sessions Judge,
Tiruvallur.

Crl.R.C.No.2121 of 2023

and

Crl.M.P.Nos.19270 of 2023

and 4520 of 2024