



Crl.R.C.No.1269 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.08.2024

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.1269 of 2024

and

Crl.M.P.No.11248 of 2024

Senthil Kumar

... Petitioner/Accused

Vs.

M/s.Neela Enterprises,
Proprietor : Mr.Neela,
No.4, Secretariat Colony,
First Street, Lakshmipuram,
Perambur, Chennai - 600 099.

... Respondent/Complainant

PRAYER: Criminal Revision Case has been filed under Sections 397 and 401 of Cr.P.C, praying to call for the records in Crl.M.P.No.18796 of 2024 in C.A.No.494 of 2024 in S.T.C.No.3085 of 2023 on the file of the Principal Sessions Judge, Chennai, and set aside the order dated 10.07.2024 passed in Crl.M.P.No.18796 of 2024 in C.A.No.494 of 2024 and enlarge the petitioner on bail pending disposal of C.A.No.494 of 2024 on the file of the Principal Sessions Judge, Chennai.



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For Petitioner : Mr.J.Prakasam

For Respondent : Mr.J.James

ORDER

This petition has been filed seeking to set aside the order dated 10.07.2024 passed in Crl.M.P.No.18796 of 2024 in C.A.No.494 of 2024 on the file of the Principal Sessions Judge, Chennai and enlarge the petitioner on bail pending disposal of C.A.No.494 of 2024.

2. The petitioner, who is the accused in S.T.C.No.3085 of 2023 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 25.06.2024 and sentenced to undergo one year simple imprisonment and to pay to pay compensation of Rs.5,00,000/-, in defalut, to undergo one month simple imprisonment. Aggrieved against the same, he filed an appeal before the learned Principal Sessions Judge, Chennai in C.A.No.494 of 2024, in



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which, he filed a petition seeking suspension of sentence in CRI.MP.No.18796 of 2024. The Trial Court, by order dated 10.07.2024, found that on the date of judgment i.e., 25.06.2024 the petitioner has not appeared before the Trial Court and hence, N.B.W was issued against him and the same is pending. No petition under Section 389 (3) Cr.P.C seeking for suspending the sentence was filed before the Trial Court. Though, the appeal was admitted, the suspension of sentence petition not entertained, against which, the present revision has been filed.

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. Both parties confirmed that the issue had been settled between them. They filed a compounding petition along with the copies of Demand Drafts for a sum of Rs.5,00,000/- before this Court in Crl.M.P.No.11248 of 2024 in Crl.R.C.No.1269 of 2024, invoking Section



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147 of the Negotiable Instruments Act, 1881 to compound the offence and the same is ordered.

4. In the result, the case between the petitioner and the respondent is compounded. Hence, the judgment, dated 25.06.2024 in S.T.C.No.3085 of 2023, passed by the learned XXVI Metropolitan Magistrate, Egmore, Chennai, is 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.

05.08.2024

Index : Yes/No

Speaking order / Non-speaking order

Neutral citation : Yes/No

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To

1. The learned XXVI Metropolitan Magistrate,
Ggmore, Chennai
- 2.The Principal Sessions Judge,
Chennai.
- 3.The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

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