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Crl.R.C.No.1832 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2024

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.1832 of 2024
and Crl.M.P.Nos.15055, 15056 & 15268 of 2024

S.Srinivasan

... Petitioner

Vs.

M.Ezhil Arasan

... Respondent

PRAYER: Criminal Revision Petition filed under Section 397 r/w. 401 of Cr.P.C. to set aside the judgment of conviction passed against the revision petitioner by the II Additional City Civil Court, Chennai in C.A.No.64 of 2018 dated 26.04.2024 confirming the judgment of learned IV Fast Track Court Judge, Metropolitan Magistrate Court, Chennai dated 23.01.2018 in C.C.No.1229 of 2013.

For Petitioner	:	Mr.J.Suresh
For Respondent	:	Mr.G.Nithiyakumar

ORDER

The petitioner was convicted by judgment, dated 23.01.2018 in C.C.No.1229 of 2013, by the learned Metropolitan Magistrate, Fast Track Court No.IV, George Town, Chennai, for offence under Section 138 of the



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Negotiable Instruments Act and sentenced to undergo six months Simple Imprisonment and to pay a compensation of Rs.16,00,000/- to the respondent within one month, in default, to undergo two months simple imprisonment. Aggrieved over the judgment of the trial Court, an appeal was preferred by the petitioner before the learned II Additional Sessions Judge, City Civil Court, Chennai/lower appellate Court in C.A.No.64 of 2018. The learned Sessions Judge by judgment dated 26.04.2024 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.16,00,000/- to improve his business. In discharge of the said liability, the petitioner issued four cheques drawn from Indian Bank, Saidapet Branch. When the cheques were 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.P10 marked on the



side of the respondent/complainant. On the side of the petitioner, D.W.1 examined and Ex.D1 and Ex.D2 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.Today, the petitioner and the respondent appeared before this Court. Both the parties confirmed that the issue between the petitioner and the respondent amicably resolved and filed individual affidavit to that effect.

6.The petitioner filed compounding petition along with affidavit before this Court in Crl.M.P.No.15268 of 2024 in Crl.R.C.No.1832 of 2024 invoking Section 147 of the Negotiable Instruments Act, 1881 to compound the offence and the same is ordered.



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7.In the result, the case between the petitioner and the respondent is compounded. Hence, the judgment, dated 23.01.2018 in C.C.No.1229 of 2013, passed by the learned Metropolitan Magistrate, Fast Track Court No.IV, George Town, Chennai and the judgment dated 26.04.2024 passed by the learned II Additional Sessions Judge, City Civil Court, Chennai in C.A.No.64 of 2018 are set aside and the revision is allowed accordingly. The petitioner is discharged from all charges levelled against him. Consequently, connected miscellaneous petitions are closed.

29.10.2024

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

- 1.The Metropolitan Magistrate,
Fast Track Court No.IV,
George Town, Chennai
- 2.The II Additional Sessions Judge,
City Civil Court,
Chennai.



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M.NIRMAL KUMAR, J.

cse

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