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Crl.R.C.No.1556 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.10.2024

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.1556 of 2024
and Crl.M.P.Nos.12961, 13562 & 14946 of 2024

Anguraj

... Petitioner

Vs.

Sasikumar

... Respondent

PRAYER: Criminal Revision Petition filed under Sections 438 and 442 of BNSS to set aside the judgment of the learned Additional District and Sessions Judge, Chengalpattu in C.A.No.40 of 2022 dated 08.04.2024 confirming the order of the learned Judicial Magistrate Fast Track Court, Alandur in C.C.No.428 of 2018 by order dated 03.08.2022.

For Petitioner : Mr.R.Vijayaraghavan

For Respondent : Mr.R.Joe Anand

ORDER

The petitioner was convicted by judgment, dated 03.08.2022 in C.C.No.428 of 2018, by the learned Judicial Magistrate, Fast Track Court, Alandur, for offence under Section 138 of the Negotiable Instruments Act



and sentenced to undergo ten months Simple Imprisonment and to pay the cheque amount of Rs.3,00,000/- as compensation to the respondent within one month from the date of judgment, 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 Additional District and Sessions Court, Chengalpattu/lower appellate Court in C.A.No.40 of 2022. The learned Additional District and Sessions Judge, Chengalpattu by judgment dated 08.04.2024, dismissed the appeal, confirming the judgment of the trial Court, against which the present revision.

2.The gist of the case is that the respondent/complainant is doing real estate business and the petitioner/accused is known to him for the past two years in the course of business. The petitioner requested the respondent to arrange for a collateral for obtaining loan for running his business. Accordingly, the respondent arranged a land owner namely, Kasthuri and she consented for giving her property as collateral security for the loan to be obtained by the petitioner. Thereafter, the petitioner obtained the loan of Rs.2,00,00,000/- and paid Rs.4,00,000/- as commission to the respondent. Similarly, the petitioner has to paid Rs.5,00,000/- to the said Kasthuri, for



which, he issued two cheques bearing Nos.000128 and 000127 dated 18.08.2018 and 20.08.2018 for Rs.2,50,000/- each. When one cheque was presented for encashment, the same was returned for the reason 'Insufficient funds' and thereafter, the petitioner admitted his liability and paid Rs.2,50,000/- to the complainant. Thereafter, when the other cheque bearing No.000127 dated 20.08.2018 was presented for encashment, the same was returned for the reason 'Accounts closed'. The respondent sent a statutory demand notice dated 23.10.2018 to the petitioner and on receipt of the notice, the petitioner neither paid the amount nor sent any reply. Hence, complaint was filed by the respondent.

3.During trial, the respondent examined himself as P.W.1 and marked Ex.P1 to Ex.P5. On the side of the petitioner, he examined himself as D.W.1 and marked Ex.D1. 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. He would submit that the petitioner paid the entire cheque amount to the respondent. Hence,



prayed for allowing the appeal and discharging the petitioner from the above case.

5.Today, the petitioner and the respondent are present 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 respondent confirms the receipt of the amount and his only plea is that he may be permitted to withdraw the amount lying in the credit of C.C.No.428 of 2018 on the file of the learned Judicial Magistrate, Fast Track Court, Alandur.

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

8.The respondent filed compounding petition along with affidavit before this Court in Crl.M.P.No.14946 of 2024 in Crl.R.C.No.1556 of 2024 invoking Section 147 of the Negotiable Instruments Act, 1881 to compound the offence and the same is ordered.

9.In the result, the case between the petitioner and the respondent is



CrI.R.C.No.1556 of 2024

compounded. Hence, the judgment, dated 03.08.2022 in C.C.No.428 of 2018, passed by the learned Judicial Magistrate, Fast Track Court, Alandur and the judgment dated 08.04.2024 passed by the learned Additional District and Sessions Judge, Chengalpattu in C.A.No.40 of 2022 are set aside and the revision is allowed accordingly. The respondent/complainant is permitted to withdraw the amount lying in the credit of C.C.No.428 of 2018 by filing an appropriate petition before the Trial Court. Notice to the petitioner/accused is dispensed with. The petitioner is discharged from all charges levelled against him. Consequently, connected miscellaneous petitions are closed.

24.10.2024

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

To

- 1.The Judicial Magistrate,
Fast Track Court, Alandur.
- 2.The Additional District and Sessions Judge,
Chengalpattu.

M.NIRMAL KUMAR, J.



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