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Crl.R.C.No.1690 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.10.2024

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.1690 of 2024
and
Crl.M.P.Nos.13933 & 14030 of 2024

P.Narayanan

... Petitioner

Vs.

E.Vasudevan

... Respondent

PRAYER: Criminal Revision Petition filed under Sections 438 r/w. 442 of BNSS to set aside the judgment passed by the V Additional Sessions Judge, Chennai in Crl.A.No.387 of 2023 dated 22.11.2023 confirming the judgment passed by the V Fast Track Metropolitan Magistrate, Saidapet, in C.C.No.5927 of 2018 dated 13.06.2023 and acquit the petitioner.

For Petitioner : Mr.S.Parthasarathy
For Respondent : Mr.T.Thangamani

ORDER

The petitioner was convicted by the learned V Fast Track Metropolitan Magistrate/Trial Court by judgment, dated 13.06.2023 in



C.C.No.5927 of 2018 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.1,00,000/-, 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 learned V Additional Sessions Judge/lower appellate Court in C.A.No.387 of 2023. The learned Sessions Judge by judgment dated 22.11.2023 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.1,00,000/- for his family expenses. In discharge of said liability, he issued a cheque dated 26.12.2017 bearing No.504372 for Rs.1,00,000/-. When the cheque was presented for encashment, the same was returned for the reason 'Insufficient Funds'. After following the statutory conditions, 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, no witness examined and no



documents 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 submitted that during pendency of the appeal, the petitioner deposited 20% of the cheque amount i.e., Rs.20,000/-. He further submitted that now the petitioner paid the balance amount of Rs.80,000/- to the respondent by way of Demand Draft No.947070 dated 04.10.2024 drawn in Punjab National Bank, Triplicane Brach. A copy of the Demand Draft has been produced.

5.The learned counsel for the respondent confirms the receipt of the Demand Draft of Rs.80,000/- and his only plea is that the respondent may be permitted to withdraw the amount of Rs.20,000/- which has been deposited by the petitioner to the credit of C.C.No.5927 of 2018 on the file of the learned V Fast Track Metropolitan Magistrate, Saidapet.

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



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7.The respondent has filed compounding petition along with affidavit before this Court in Crl.M.P.No.14030 of 2024 in Crl.R.C.No.1690 of 2024 invoking Section 147 of the Negotiable Instruments Act, 1881 to compound the offence and the same is ordered.

8.In the result, the case between the petitioner and the respondent is compounded. Hence, the judgment, dated 13.06.2023 in C.C.No.5927 of 2018, passed by the learned V Fast Track Metropolitan Magistrate, Saidapet and the judgment dated 22.11.2023 passed by the learned V Additional Sessions Judge, Chennai in C.A.No.387 of 2023 are set aside. The petitioner is acquitted of all the charges levelled against him. The petitioner is directed to be released forthwith.

9.In the result, the criminal revision petition stands allowed. Consequently, connected miscellaneous petition is closed.

04.10.2024

Index: Yes/No

Speaking Order/Non-Speaking Order

Neutral Citation: Yes/No

cse

Note: Issue order copy on 04.10.2024



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To

- 1.The V Fast Track Metropolitan Magistrate,
Saidapet.
- 2.The V Additional Sessions Judge,
Chennai
- 3.The Superintendent,
Central Prison,
Puzhal, Chennai.



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M.NIRMAL KUMAR, J.

cse

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