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Crl.R.C.No.1844 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2024

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.1844 of 2023

and

Crl.M.P.Nos.17398/2023 & 5979/2024

K.Selvakumar

... Petitioner

Vs.

Rangasamy

... Respondent

PRAYER: Criminal Revision Petition filed under Sections 397 and 401 of Criminal Procedure Code, to call for the records and set aside the conviction and sentence passed by the learned Judicial Magistrate, Fast Track Court (Magisterial Level) Ambattur, in C.C.No.598 of 2018 dated 27.04.2021 which was confirmed by the learned Additional District and Sessions Court, Thiruvallur at Poonamallee in C.A.No.06/2022 dated 14.07.2023.

For Petitioner : Mr.A.Murugavel

For Respondent : Mr.Shanmugavelayutham
for Mr.K.Jothisivam



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ORDER

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This petition has been filed seeking to set aside the judgment in C.A.No.06 of 2022 dated 14.07.2023 on the file of the learned Additional District and Sessions Court, Thiruvallur at Poonamallee confirming the judgment dated 27.04.2021 passed in C.C.No.598 of 2018 by the learned Judicial Magistrate, Fast Track Court (Magisterial Level) Ambattur.

2.The petitioner, who is the accused in C.C.No.598 of 2018 on a private complaint filed under Section 138 of the Negotiable Instruments Act by the respondent, was convicted by the Trial Court by judgment dated 27.04.2021 and sentenced to undergo eight months simple imprisonment and to pay compensation of Rs.2,30,000/- within two months, in default the accused shall undergo two months S.I. Aggrieved against the same, he filed an appeal before the learned Additional District and Sessions Court, Thiruvallur at Poonamallee in C.A.No.06 of 2022. The Sessions Judge by judgment dated 14.07.2023 dismissed the appeal confirming the conviction and sentence of the trial Court, against which, the present revision has been filed.



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3.This Court, on 14.03.2024, had passed the following order:

“The learned counsel for the petitioner submitted that during the year 2021, the petitioner and the respondent had arrived at a compromise and the entire liability was fixed at Rs.13,05,000/-, out of which, the petitioner had already paid Rs.89,000/-, in which, Rs.47,000/- is lying in the credit of trial Court. He further submitted that the petitioner is ready to pay the balance amount within a week.

2.The learned counsel for the respondent strongly opposed the above submissions and submitted that the disputed cheque is of the year 2018 and the amount due is Rs.2,30,000/-, out of which, Rs81,000/- had already been credited and that to Rs.47,000/- is in the credit of the trial Court. If the petitioner is willing to pay the balance amount of Rs.1,49,000/- the respondent/complainant is agreeable to compound the offence.

3.The learned counsel for the respondent further submitted that the respondent is aged 75 years and bedridden, and he is ready to appear through virtual mode.

4.Post the matter on 25.03.2024. It is made clear on that day if the compromise is not arrived, final orders will be passed in the revision.”

4.In continuation and conjunction to the earlier order passed on



14.03.2024, 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 Joint Compounding Petition signed by the petitioner, respondent and their respective counsel before this Court in Crl.M.P.No.5979 of 2024 in Crl.R.C.No.1844 of 2023 invoking Section 147 of the Negotiable Instruments Act, 1881 to compound the offence and the same is ordered.

5.It is seen that the cheque amount is Rs.2,30,000/-. The petitioner deposited Rs.46,000/- to the credit of C.C.No.598 of 2018. While preferring the appeal before the Sessions Court, thereafter, the respondent paid a sum of Rs.35,000/- by way of Demand Draft on 20.09.2022. Giving credit to the payment of Rs.81,000/-, the balance amount of Rs.1,49,000/- paid as follows:-

Rs.1,10,000/- and Rs.39,0000/- vide demand drafts dated 25.03.2024 & 28.03.2024, bearing Nos.795691 & 795719. Now the amount of Rs.46,000/- is lying in the credit of C.C.No.598 of 2018 on the file of learned Judicial Magistrate, Fast Track Court (Magisterial Level) Ambattur. Hence the petitioner has paid the entire cheque amount of Rs.2,30,000/-, accepted and acknowledged by the respondent/



complainant and a compounding petition under Section 147 of N.I.Act,
giving details filed.

6.The learned counsel for respondent/complainant submitted that the respondent may be permitted to withdraw the deposited amount of Rs.46,000/- in the credit of C.C.No.598 of 2018 before the trial Court without notice to the petitioner. Learned counsel for petitioner has no objection for the respondent to withdraw the said amount.

7.In view of the same, the case between the petitioner and the respondent is compounded. Hence, the judgment, dated 27.04.2021 in C.C.No.598 of 2018, passed by the learned Judicial Magistrate, Fast Track Court (Magisterial Level) Ambattur and the judgment dated 14.07.2023 passed in C.A.No.06 of 2022 by the learned Additional District and Sessions Court, Thiruvallur at Poonamallee both set aside and the Criminal Revision Case is, accordingly, allowed. The petitioner is acquitted of all the charges levelled against him.

8.The trial Court is directed to return the amount of Rs.46,000/-, which is lying in the credit of C.C.No.598 of 2018, on a memo filed by



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the respondent along with this order copy. Consequently, connected

Criminal Miscellaneous petitions are closed.

28.03.2024

Index : Yes/No

Speaking Order/Non Speaking Order

Neutral Citation: Yes/No

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To

1.The Additional District and Sessions Court, Thiruvallur at
Poonamallee.

2.The Judicial Magistrate, Fast Track Court (Magisterial Level)
Ambattur.



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M.NIRMAL KUMAR, J.

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