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Crl.R.C.No.1643 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2024

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.1643 of 2024
and Crl.M.P.Nos.13638 & 13657 of 2024

R.Viswanathan

... Petitioner

Vs.

C.Soundar

... Respondent

PRAYER: Criminal Revision Petition filed under Sections 397 and 401 of Criminal Procedure Code, to set aside the judgment dated 31.07.2024 passed in Crl.A.No.7 of 2022 on the file of the learned District and Sessions Judge at Tirupathur against the judgment dated 27.01.2022 passed in S.T.C.No.196 of 2017 on the file of the learned Judicial Magistrate, Vaniyambadi convicting the petitioner to undergo 6 months S.I and to pay a compensation of Rs.2,20,000/- as compensation to the complainant under Section 357 (3) in default to undergo 1 ½ months simple imprisonment.

For Petitioner : Mr.G.Vinodhkumar

For Respondent : Mr.M.Ranjith Kumar



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ORDER

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The petitioner/accused in S.T.C.No.196 of 2017 was convicted by the trial Court by judgment dated 27.01.2022 for offence under Section 138 of the Negotiable Instruments Act and sentenced to undergo 6 months simple imprisonment and directed to pay double the cheque amount of Rs.2,20,000/- as compensation. Aggrieved against the same, the petitioner preferred an appeal in C.A.No.7 of 2022 before the learned District and Sessions Judge, Tirupattur. The learned Sessions Judge, by judgment dated 31.07.2024, dismissed the appeal confirming the conviction and sentence of the trial Court.

2. It is the contention of the learned counsel for petitioner is that during the pendency of the appeal, the petitioner deposited 50% of the cheque amount, i.e., Rs.55,000/- before the Trial Court in Receipt No.0022023 dated 11.03.2022. Now, he had filed a demand draft bearing No.153179238, Indian Overseas Bank, Periyankuppam for the balance cheque amount of Rs.55,000/- and the same has been handed over the respondent/complainant. Hence, prayed for compounding of offence.



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3. The learned counsel for the respondent/complainant submitted that the Trial Court had convicted the petitioner and directed the petitioner to pay double the cheque amount to the tune of Rs.2,20,000/- as compensation. Thereafter, the petitioner preferred appeal and the same was dismissed confirming the conviction of the Trial Court. Hence, the payment of Rs.1,10,000/- though received with objection, the petitioner pleaded with respondent and now they both agreed for compounding the offence and accepted the cheque amount, towards full quit to the claim.

4. Today, the petitioner and the respondent both present before this Court. The respondent/complainant admits the Joint Compromise memo entered between them to the value of Rs.1,10,000/- from the petitioner and agreeing to give quietus to the issue. The petitioner has drawn a demand draft bearing No.153179238, Indian Overseas Bank, Periyankuppam for the balance cheque amount of Rs.55,000/- and given to the respondent/complainant. This fact has been admitted by both the petitioner as well as the respondent. Further, the petitioner/accused has already deposited a sum of Rs.55,000/- to the credit of S.T.C.No.196 of 2017 before



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the Trial Court which the respondent can withdraw by filing an appropriate petition, the petitioner/accused has no objection and has given consent for the same.

5.The petitioner has filed compounding petition along with affidavits before this Court in Crl.M.P.No.15255 of 2024 in Crl.R.C.No.1643 of 2024 invoking Section 147 of the Negotiable Instruments Act, 1881 to compound the offence and the same is ordered.

6.This Court had an enquiry with both the petitioner and the respondent. The respondent reaffirmed the compromise entered with the petitioner, Joint Compromise memo entered between them and the receipt of Rs.55,000/- from the petitioner/accused.

7.In the result, the case between the petitioner and the respondent is compounded. Hence, the judgment, dated 27.01.2022 in S.T.C.No.196 of 2017, passed by the learned Judicial Magistrate, Vaniyambadi and the judgment dated 31.07.2024 passed by the learned District and Sessions



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Judge, Tirupathur in Crl.A.No.7 of 2022 are set aside and the revision is, accordingly, allowed. The respondent/complainant is permitted to withdraw the amount of Rs.55,000/- lying in the credit of S.T.C.No.68 of 2022 by filing an appropriate petition before the Trial Court. Notice to the petitioner/accused is dispensed with. The petitioner is acquitted of all the charges levelled against him. The learned counsel for the respondent/complainant submitted that as regard the compensation, the respondent may be granted liberty to file suit for compensation. It is for the respondent to file such suit, if he is advised so.

28.10.2024

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

To

1.The District and Sessions Judge
Tirupattur.

2.The Judicial Magistrate
Vaniyambadi



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M.NIRMAL KUMAR, J.

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