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Crl.R.C.No.52 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.03.2024

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.52 of 2023

and

Crl.M.P.No.3930 of 2024

G.Peter

... Petitioner/Accused

Vs.

S.Anand

... Respondent/Complainant

PRAYER: Criminal Revision Case has been filed under Sections 397 and 401 of Cr.P.C, praying to call for the records in respect of the impugned order dated 04.11.2022 on the file of the VI Additional Sessions Court, Chennai in Crl.A.No.190 of 2019 dismissing the appeal and consequently confirming the judgment dated 08.04.2019 of the Fast Track Metropolitan Magistrate Court No.IV, GT, Chennai in C.C.No.250 of 2016 and set aside the same.

For Petitioner : Mr.A.Thirumaran

For Respondent : Mr.C.Raghavan

ORDER

This petition has been filed seeking to set aside the judgment in

C.A.No.190 of 2019 dated 04.11.2022 on the file of the learned VI



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Additional Sessions Judge, City Civil Court, Chennai confirming the
judgment dated 08.04.2019 passed in C.C.No.250 of 2016 by the learned
Metropolitan Magistrate, Fast Track Court No.IV, George Town, Chennai.

2.The petitioner, who is the accused in C.C.No.250 of 2016 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 08.04.2019 and sentenced to undergo ten months simple imprisonment and to pay compensation of Rs.8,40,000/-. Aggrieved against the same, he filed an appeal before the learned learned VI Additional Sessions Judge, City Civil Court, Chennai in C.A.No.190 of 2019. The Sessions Judge by judgment dated 04.11.2022 dismissed the appeal confirming the conviction and sentence of the trial Court, against which, the present revision has been filed.

3.This Court, on 23.02.2024, had passed the following order:

“The learned counsel for the petitioner submits that the petitioner as accused faced trial before the learned Metropolitan



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Magistrate, Fast Track Court No.IV, George Town, Chennai in C.C.No.250 of 2016. the Trial Court convicted the petitioner and sentenced him to undergo ten months simple imprisonment and to pay a compensation of Rs.8,40,000/- [which is the cheque amount] with interest @ 9% per annum. Aggrieved against the same, the petitioner preferred an appeal before the learned VI Additional Sessions Judge, Chennai in C.A.No.190 of 2019. The Sessions Court by judgment dated 04.03.2020 dismissed the appeal for non-prosecution by confirming the conviction and sentence imposed by the Trial Court and the petitioner was taken into custody. Thereafter, the petitioner preferred a revision petition before this Court in Crl.R.C.No.648 of 2021.

2.He would submit that this Court by order dated 22.10.2021 passed a conditional order directing the petitioner to deposit 50% of the cheque amount i.e., Rs.4,20,000/- to the credit of C.C.No.250 of 2016 before the learned Metropolitan Magistrate, Fast Track Court No.IV, George Town, Chennai. Pursuant to the order of this Court, the petitioner deposited Rs.4,20,000/- to the credit of C.C.No.250 of 2016 and filed the copy of the receipt before the Registry vide USR.No.8433. Recording the same, this Court by order dated 16.11.2021 in Crl.M.P.No.10621 of 2021 in Crl.RC.No.648 of 2021 suspended the sentence imposed by the Trial Court. Thereafter, this Court allowed the revision petition and set aside the judgment passed by the Sessions Court and directed the



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Sessions Court to hear the petitioner and decide the appeal on merits.

3.Today, the learned counsel for the petitioner submitted that the balance 50% of the cheque amount i.e., Rs.4,20,000/- has been deposited before the Trial Court and a copy of the receipt has been produced.

4.The learned counsel for the respondent submitted that the respondent is yet to see the colour of the coin and he may be permitted to withdrawn the amount deposited by the petitioner pursuant to the order dated 22.10.2021 as well as the amount deposited on 23.02.2024. The learned counsel further seeks small accommodation to file a petition under Section 147 of Negotiable Instruments Act.

5.Post the matter on 01.03.2024 under the caption 'For Orders'."

4.In continuation and conjunction to the earlier order passed on 23.02.2024, 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,



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respondent and their respective counsel before this Court in Crl.M.P.No.3930
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of 2024 in Crl.R.C.No.52 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.8,40,000/-. The petitioner earlier deposited Rs.4,20,000/- to the credit of C.C.No.250 of 2016 and proof of the same produced before this Court vide USR No.8433. Thereafter on 22.02.2024, the balance amount of Rs.4,20,000/- deposited to the credit of C.C.No.250 of 2016 before the trial Court and receipt of the same has been produced before this Court. A scanned reproduction of the same reads as follows:

No: 01585
IN THE FTC IN METROPOLITAN MAGISTRATE'S COURT - GEORGE TOWN, CHENNAI - I
IGNORE
SADAPET
M.M.32-2, 121 Bks- 2020 (RC)
Date: 22/2/2024

RECEIVED from Gr. Pet. 29 (Accl) CC-250/16
the sum of Rupees Four lakhs twenty thousand only
on account of Maintenance As per H.Court order in Crl.R.C.52/23, Dt-12/2/24
Batta permitted to deposit in FFC in 50% of amount.
Miscellaneous

Rs. 4,20,000/- DD
DD. 389344 Dt-17/2/24
Kotak mahindra Bank

ASST. CASHIER
CASHIER
CHIEF CLERK



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Now the cheque amount of Rs.8,40,000/- is lying in the credit of C.C.No.250 of 2016 on the file of learned Metropolitan Magistrate, Fast Track Court No.IV, George Town, Chennai -1.

6.The learned counsel for respondent/complainant submitted that the respondent may be permitted to withdraw the said amount without notice to the petitioner. Learned counsel for petitioner has got 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 08.04.2019 in C.C.No.250 of 2016, passed by the learned Metropolitan Magistrate, Fast Track Court No.IV, George Town, Chennai and the judgment dated 04.11.2022 passed in C.A.No.190 of 2019 by the learned VI Additional Sessions Judge, City Civil Court, Chennai are set aside and the revision is, accordingly, allowed. The petitioner is acquitted of all the charges levelled against him.



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8.The trial Court is directed to return the amount of Rs.8,40,000/-, which is lying in the credit of C.C.No.250 of 2016, on a memo filed by the respondent along with this order copy. Consequently, connected Criminal Miscellaneous petitions are closed.

01.03.2024

Index : Yes/No

Speaking order / Non-speaking order

Neutral citation : Yes/No

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Note: Issue order copy on 04.03.2024

To

1.The VI Additional Sessions Judge,
City Civil Court, Chennai.

2.The Metropolitan Magistrate,
Fast Track Court No.IV,
George Town, Chennai.

3.The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

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01.03.2024