



Crl.R.C.No.11 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2024

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

Crl.R.C.No.11 of 2024

K.Lakshmi

... Petitioner

Vs.

Jayalakshmi

... Respondent

Prayer : Criminal Revision Case filed under Section 397 r/w 401 of Cr.P.C, praying to call for the records in Crl.M.P.No.28294 of 2023 in C.A.No.383 of 2023 pending on the file of the Principal District and Sessions Judge, City Civil Court, Chennai and set aside the order dated 07.11.2023.

For Petitioner : Mr.N.Selvaraju

For Respondent : No appearance

ORDER

This Criminal Revision Case has been filed against the order dated 07.11.2023 passed by the learned Principal District and Sessions Judge, City Civil Court, Chennai in Crl.M.P.No.28294 of 2023 in C.A.No.383 of 2023.



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2. The case of the petitioner is that, he is an accused in C.C.No.4428 of 2016 for the offence u/s 138 of Negotiable Instruments Act, 1888 on the learned Metropolitan Magistrate, FTC-V, Saidapet, Chennai and as against the conviction order passed by the trial court, the petitioner preferred an appeal before the lower appellate court in C.A.No.383 of 2023, in which, the lower appellate court suspended the sentence imposed on the petitioner in Crl.M.P.No.16064 of 2023 on 10.07.2023 with condition to deposit 20% of the compensation amount before the trial court within 60 days from the date of the order. Thereafter, the petitioner paid a sum of Rs.4,85,000/- to the respondent by arriving at a compromise on 10.07.2023 and filed another petition in Crl.M.P.No.28294 of 2023 seeking extension of time granted in Crl.M.P.No.16064 of 2023 dated 10.07.2023 and vide impugned order dated 07.11.2023, the lower appellate court dismissed the petition. Challenging the same, the petitioner has filed the present revision before this court.

3. Learned counsel appearing for the petitioner submitted that, subsequent to the payment of Rs.4,85,000/-, the petitioner had paid



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another sum of Rs.10,00,000/- to the respondent. He also submitted that the petitioner has totally paid a sum of Rs.14,85,000/- to the respondent, which is more than 20% of the compensation amount. Accordingly, he prays for allowing the revision.

4. Though notice was served and the name of the respondent was printed in the cause list, however, no one appeared on behalf of the respondent. Considering the pendency of this revision, this Court is inclined to dispose of this revision based on the materials available on record.

5. Admittedly, the petitioner was arrayed as an accused in C.C.No.4428 of 2016 before the learned Metropolitan Magistrate, FTC-V, Saidapet, Chennai and as against the conviction order passed by the trial court, the petitioner preferred an appeal in C.A.No.383 of 2023. The lower appellate court suspended the sentence imposed on the petitioner with a condition to deposit 20% of the compensation amount with a period of 60 days from the date of the order in Crl.M.P.No.16064 of 2023. Thereafter, the petitioner filed another petition in



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Crl.M.P.No.28294 of 2023 seeking extension of time to comply with the above condition. In that petition, it is submitted by the learned counsel for the petitioner that, the petitioner and the respondent have arrived a compromise dated 10.07.2023 and the petitioner has already paid Rs.4,85,000/- to the respondent and willing to settle the amount in due course. Since the petitioner has not complied with the conditional order passed by the lower appellate court, the lower appellate court has dismissed the petition filed by the petitioner vide impugned order dated 07.11.2023.

6. Now, it is claimed by the petitioner that, as per the compromise arrived between the parties, the petitioner has paid a sum of Rs.4,85,000/- to the respondent, subsequently, the petitioner paid another sum of Rs.10,00,000/- to the respondent and according to the petitioner, he has paid a total sum of Rs.14,85,000/-. It is seen that the compensation amount is Rs.30,00,000/-, out of which, the petitioner has paid a sum of Rs.14,85,000/- to the respondent, which is more than 20% of the compensation amount. Hence, this court is of the view that nothing survives for adjudication in this matter.



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7. In view of the above facts that since the petitioner had already paid more than 20% of the compensation amount to the respondent, the impugned order is liable to set aside. Accordingly, the impugned order dated 07.11.2023 passed by the learned Principal District and Sessions Judge, City Civil Court, Chennai in Crl.M.P.No.28294 of 2023 in C.A.No.383 of 2023 is set aside. However, the lower appellate court is directed to dispose of the main appeal in C.A.No.383 of 2023 as expeditiously as possible, after hearing the petitioner as well as the respondent and after confirming the fact that petitioner had paid Rs.14,85,000/- to the respondent, which is more than 20% of the compensation amount.

8. Accordingly, the Criminal Revision Case is allowed.

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Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes / No
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M.DHANDAPANI, J.

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To

The Principal District and Sessions Judge, City Civil Court, Chennai.

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