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Crl.R.C.No.2256 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2024

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.2256 of 2023

and

Crl.M.P.Nos.20160 of 2023 and 1726 of 2024

Dr.Menon Minal Vinoth

... Petitioner/Accused

Vs.

G.Somasundaram

... Respondent/Complainant

PRAYER: Criminal Revision Case has been filed under Sections 397 and 401 of Cr.P.C, praying to call for the records pertaining to C.A.No.735 of 2023 on the file of the Principal District and Sessions Judge at Chennai confirming the judgment dated 19.10.2023 passed in C.C.No.3937 of 2015 by the learned III Fast Track Metropolitan Magistrate, Chennai at Saidapet and set aside the same.

For Petitioner : Mr.J.Deliban

For Respondent : Mr.N.Vijayaraj



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ORDER

This petition has been filed seeking to set aside the judgment in C.A.No.735 of 2023 on the file of the Principal District and Sessions Judge at Chennai confirming the judgment dated 19.10.2023 passed in C.C.No.3937 of 2015 by the learned III Fast Track Metropolitan Magistrate, Saidapet, Chennai.

2.The petitioner, who is the accused in C.C.No.3937 of 2015 in a private complaint filed under Section 138 of the Negotiable Instruments Act by the respondent, was convicted by the Trial Court by judgment dated 19.10.2023 and sentenced to undergo three months simple imprisonment and to pay compensation of Rs.2,50,000/-. Aggrieved against the same, he filed an appeal before the learned Principal Sessions Judge, Chennai in C.A.No.735 of 2023. The Sessions Judge by judgment dated 12.12.2023 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 19.01.2024, had passed the following order:

“Learned counsel for the respondent submitted that he is yet to be served with the copies of the petition and typed set of papers.

2.Learned counsel for the petitioner submitted that the cheque amount is Rs.2,50,000/-, of which, earlier demand draft for Rs.1,25,000/- was taken and sent to the respondent which was received by him on 17.01.2023. He further submitted that now he is ready with the demand draft for Rs.1,25,000/-.

3.Learned counsel for the respondent submitted that he is not aware of this fact and seeks time to get instructions.

4.Post for orders on 31.01.2024. Interim protection already granted by this Court is extended till then.”

4.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 compounding petition along with the copies of Demand Drafts for a sum of Rs.2,50,000/- before this Court in



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Crl.M.P.No.1726 of 2024 in Crl.R.C.No.2256 of 2023 invoking Section 147

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of the Negotiable Instruments Act, 1881 to compound the offence and the same is ordered.

5.In the result, the case between the petitioner and the respondent is compounded. Hence, the judgment, dated 19.10.2023 in C.C.No.3937 of 2015, passed by the learned III Fast Track Metropolitan Magistrate, Saidapet, Chennai and the judgment dated 12.12.2023 passed in C.A.No.735 of 2023 by the learned Principal Sessions Judge, Chennai are set aside and the revision is, accordingly, allowed. The petitioner is acquitted of all the charges levelled against him. Consequently, connected Criminal Miscellaneous petition is closed.

02.02.2024

Index : Yes/No

Speaking order / Non-speaking order

Neutral citation : Yes/No

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To

- 1.The III Fast Track Metropolitan Magistrate,
Saidapet, Chennai.
- 2.The Principal Sessions Judge,
Chennai.
- 3.The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

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