



CRL MP(MD). No.6427 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

Monday, the First day of July Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice K.K. RAMAKRISHNAN

CRL MP(MD). No.6427 of 2024

in

CRL RC(MD).No.1263 of 2022

Saravanakumar

... Petitioner/ Petitioner

Vs

1 David Anantharaj
S/o.Michael Raj
Pullaimadai Road,
Throwpathiamman Kovil Street (East)
RS Mangalam Town and Taluk,
Ramanathapuram District.

... Respondent/ Respondent

Prayer :-

Criminal Miscellaneous Petition filed under Section 482 of CPC;to direct the Fast Track Court (Magistrate Level),Pattukottai to disburse the amount of Rs.1,20,000/- (One Lakh Twenty Thousand Rupees Only) Which was deposited in STC No.41/2019 on the file of Fast Track Court (Magistrate Level) Pattukottai vide receipt no.096974 dated 03.01.2023,in veiw of the order passed in CRL.RC(MD) No.1263 of 2022 dated 27.02.2024 before this court.

Prayer in CRL RC(MD). 1263 of 2022 :

Criminal Revision Petition has been filed under Section 397 r/w 401 of CPC,to call for the records from the Lower courts and set aside the Judgement of the Appellate Court passed by the Learned III Additional District and Sessions Court,

<https://www.judic.tn.gov.in/judis>



CRL MP(MD). No.6427 of 2024

Thanjavur @ Pattukottai in Criminal Appeal No.131/2019 dated 04.11.2022 confirming

ORDER:- This Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr. P.Thirumahilmaran, Advocate for the Petitioner and of Mr.S.Maya Perumal, Government Advocate for the respondent, this Court made the following order:

“This Criminal Miscellaneous petition has been filed to direct the Fast Track Court(Magistrate Level), Pattukottai to disburse the amount of Rs.1,20,000/- (Rupees One Lakh Twenty Thousand only) which was deposited in S.T.C.No.41 of 2019 on the file of Fast Track Court(Magistrate level), Pattukottai vide receipt No.096974 dated 03.01.2023, in view of the order passed in Crl.R.C(MD) No.1263 of 2022 dated 27.02.2024 before this Court.

2.The petitioner has filed this petition seeking to incorporate the portion in the order already disposed of by this Court dated : 27.02.2024:

“This Criminal Revision case has been filed as against the judgement of confirmation of conviction and sentence imposed on the petitioner for offence under Section 138 of the Negotiable Instruments Act.

2.The Trial Court, while convicting the petitioner has sentenced him to undergo one year simple imprisonment and to pay a sum of

Rs.6,00,000/- as compensation to complainant within a period of one



CRL MP(MD). No.6427 of 2024

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month, and in default to undergo further three months simple imprisonment.

3.Earlier, this Court, while entertaining this Criminal Revision case, suspended the sentence citing that the petitioner has already deposited 20% of the compensation amount and this conditional order was passed on 20.12.2022.

4.Today, when the matter was taken up for hearing, it is informed by both the learned counsel for the petitioner as well as the respondent that during the pendency of this Criminal Revision case, efforts were taken to settle the dispute between the parties and now, the respondent is also ready to withdraw his complaint against the petitioner. Both the parties have also been appeared in person before this Court. They have filed the joint compromise memo to accept the affidavit for compounding the offence charged against the petitioner.

5.Section 147 of the Negotiable Instruments Act, 1881 reads as follows:- "147. Offences to be compoundable. – Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974),every offence punishable under this Act shall be compoundable]." In view of the aforesaid provision, the offence under Section 138 of the Negotiable



CRL MP(MD). No.6427 of 2024

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Instruments Act becomes compoundable at any stage of the case.

6.In view of the subsequent development, since the matter has been compromised between the parties, this Court is inclined to compound the offence and accordingly, the judgement and order passed by both the Courts below convicting and sentencing the petitioner for an offence under Section 138 of the Negotiable Instrument Act is hereby set aside. This Criminal Revision Petition is allowed accordingly. Consequently, connected miscellaneous petition is closed."

3.The learned Counsel for the petitioner submits that the respondent in the revision initiated proceedings in S.T.C.No.41 of 2019 under Section 138 Negotiable Instrument Act and the same was for the cheque amount of Rs.6,00,000/- and the same was affirmed and the said conviction of the accused is confirmed in C.A.No.131 of 2019, dated: 04.11.2022 on the file of the learned III Additional District and Sessions Judge, Thanjavur @ Pattukottai. Aggrieved over the same, the revision was filed before this Court and during the pendency of revision, both parties entered compromise.

4.As per the compromise, the petitioner is entitled to receive a sum of Rs.1,20,000/- (Rupees One Lakhs Twenty Thousand only) already deposited, during the pendency of the revision and the same was inadvertently omitted in the said



CRL MP(MD). No.6427 of 2024

order. Hence he seeks for filing direction petition to withdraw the same.

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5.In view of the settlement arrived between the parties, this Court is inclined to accept the prayer in the miscellaneous petition. Accordingly, this petition is allowed and this Court is inclined to issue a direction to the learned trial Judge, Fast Track Court(Magisterial level), Pattukottai to permit the petitioner to withdraw the said amount. ”

Sd/-

Assistant Registrar()

// True Copy //

/07/2024

Sub Assistant Registrar
(CS-I/II/III/IV)

TO

1. The Judge,
Fast Track Court (Magistrate Level),
Pattukkottai.
2. The III Additional District and Sessions Judge,
Thanjavur @ Pattukottai.

+ 1 CC TO Mr.S.Maya perumal,Sr.7512.

+ 1 CC to Mr.P.Thirumamahilmaran.Sr.8441.



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CRL MP(MD). No.6427 of 2024

ORDER DATED : 01/07/2024

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ORDER

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CRL MP(MD). No.6427 of 2024

in

CRL RC(MD).No.1263 of 2022

SI(26.07.2024) 6P/ 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.