



Crl.R.C.Nos.91 & 119 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2025

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.Nos.91 & 119 of 2022

V.Loganathan

... Petitioner/Accused
in both cases

Vs.

P.Edwin

... Respondent/complainant
in both cases

Common Prayer: Criminal Revision Cases filed under Sections 397 and 401 of Cr.P.C., to set aside the order of conviction and sentence of imprisonment and compensation dated 06.08.2019 passed by the learned Metropolitan Magistrate (FTC-II), Egmore, Chennai at Allikulam in C.C.Nos.1978 of 2019 and 443 of 2018, respectively, and confirmed by the learned XVIII Additional Sessions Judge, City Civil Court, Chennai in his judgment dated 17.04.2021 in Crl.A.No.320 & 319 of 2019, respectively.

For Petitioner : Mr.C.P.Sivamohan
in both cases

For Respondent : Mr.G.Palani
in both cases



Crl.R.C.Nos.91 & 119 of 2022

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COMMON ORDER

This Court, on 03.03.2025, had passed the following order:

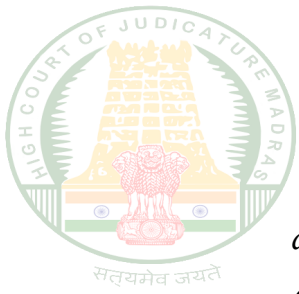
“Crl.R.C. No. 91 of 2022

This revision arises out of the petitioner's conviction under Section 138 of the Negotiable Instruments Act, filed by the respondent in C.C.No.1978 of 2019. The trial court had convicted the petitioner and sentenced him to undergo one year of rigorous imprisonment (R.I.) and to pay the cheque amount of Rs.2.5 lakhs as compensation. Aggrieved by the same, the petitioner preferred an appeal in C.A.No.320 of 2019. The lower appellate court, by judgment dated 17.04.2021, dismissed the appeal, confirming the conviction and sentence of the trial court. This decision is now challenged in the present revision.

Crl.R.C. No. 119 of 2022

The petitioner is an accused in C.C.No.443 of 2018, was convicted for the offence under Section 138 of the N.I. Act, filed by the respondent. The trial court convicted the petitioner by judgment dated 06.08.2019 and sentenced him to undergo one year of simple imprisonment (S.I.) and to pay the cheque amount of Rs.2,53,800/- as compensation.

Aggrieved by the same, the petitioner preferred an appeal in C.A.No.319 of 2019. The Sessions Judge, by judgment



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dated 17.04.2021, dismissed the appeal and the present Crl.R.C.No.119 of 2022 was filed.

Crl.R.C.No.678 of 2022

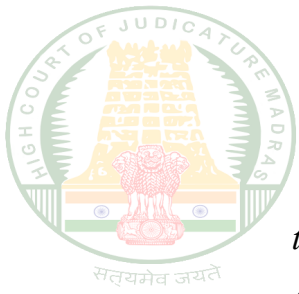
This revision is filed by the respondent, who is the complainant in C.C.No.1978 of 2019, filed an appeal before the Sessions Court in C.A.No.313 of 2019, seeking enhancement of sentence and compensation. The XVIII Additional Sessions Judge, Chennai by judgment dated 17.04.2021, dismissed the appeal for enhancement.

Crl.R.C. No. 676 of 2022

This revision is filed by the respondent/complainant, who had filed a private complaint against the petitioner in C.C.No.443 of 2018 for the offence under Section 138 of the N.I. Act. Aggrieved by the inadequate sentence and compensation ordered by the trial Court, the respondent filed an appeal in C.A.No.314 of 2019. The XVIII Additional Sessions Judge, City Civil Court Chennai by judgment dated 17.04.2021, dismissed the appeal for enhancement of sentence and compensation, against which the present revision is filed

2. Since the petitioner and the respondent are common to all the cases and the issues involved are similar, this Court is disposing of the above four Criminal Revision Cases by way of a common order.

3. It is seen that the petitioner was convicted by the



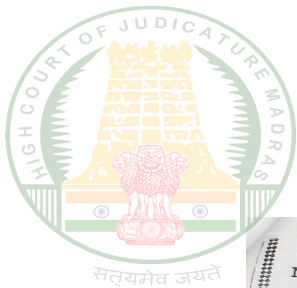
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Crl.R.C.Nos.91 & 119 of 2022

trial court for the offence under Section 138 of the N.I. Act filed by the respondent, is facing conviction in each case for a cheque amount of Rs.2,50,000/-. The petitioner faced conviction, against which he filed an appeal, which was dismissed, confirming the trial court's conviction and sentence. Aggrieved by this, the petitioner has filed two criminal revisions, Crl.R.C.Nos.91 and 119 of 2022. Likewise, the respondent, who is the complainant, filed appeals for the enhancement of the conviction and compensation in C.A.Nos.313 and 314 of 2019, which were dismissed and against which the present criminal revisions, Crl.R.C.Nos.676 and 678 of 2022, were filed.

4. The learned counsel for the petitioner submitted that during the pendency of the appeals in C.A.Nos.319 of 2019 and 320 of 2019, the petitioner was directed to deposit Rs.50,000/- in each case. The petitioner deposited the amount of Rs.50,000/- to the credit of the trial court in C.C.Nos.443 of 2018 and 1978 of 2019 vide receipt No.9530 and 9529, dated 03.12.2019. The petitioner produced the copy of receipts. At the time of admission of revision case, the petitioner was directed to deposit Rs.75,000/- in each case. The receipt and the demand draft. (scan copy)



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No. A 9530 M.M. 32-100 Bks.-1996. 46

IN THE METROPOLITAN MAGISTRATE'S COURT
EGMORE
GEORGE TOWN MADRAS
SAIDAPET

3/12/19

RECEIVED from Pr. Senior Judge order dt 6/11/19 in ev. mp
the sum of Rupees Fifty thousand Seven hundred & sixty only
Maintenance No. 23412/19 Cer/mp no. 18631/2019
on account of Compensation CA NO. 319/2019, FTC-II mm Permit
Batta order dt 3/12/19 in CC NO. 443/2018.
Miscellaneous Paid by V. Loganathan for 20% of
Rs. 50,760/- cheque amount.
3/12/19

Chief Clerk.

Chennai Central Co-operative Bank Ltd., Villivakkam Branch: 127-B, Red Hills Road (North), Villivakkam, Chennai - 600 049

Pay Order 01/03/2022 D D M Y Y Y

METROPOLITAN MAGISTRATE COURT FTC-II IN CCNO1978/2019ALIKULA*****
OR ORDER

PAY RUPEES Seventy Five Thousand only.**

***** ₹ 75,000.00/-

10553

VOID

NOT OVER RS. 75000.000/-

Purchaser: L HEMAMALINI

Authorized Officer
Please sign above

17

690594 600092057

Chennai Central Co-operative Bank Ltd., Villivakkam Branch: 127-B, Red Hills Road (North), Villivakkam, Chennai - 600 049

Pay Order 01/03/2022 D D M Y Y Y

METROPOLITAN MAGISTRATE COURT FTC-II IN CCNO443/2018ALIKULAM*****
OR ORDER

PAY RUPEES Seventy Five Thousand only.**

***** ₹ 75,000.00/-

10553

VOID

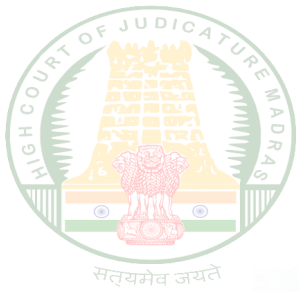
NOT OVER RS. 75000.000/-

Purchaser: L HEMAMALINI

Authorized Officer
Please sign above

17

690594 600092057



CrI.R.C.Nos.91 & 119 of 2022

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No. A 9529 M.M. 32—100 Bks.—1996. 4/c

IN THE METROPOLITAN MAGISTRATE'S COURT
EGMORE
GEORGE TOWN MADRAS
SAIDAPET

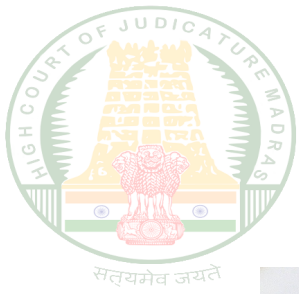
3/12/19-199

RECEIVED from Pyl-Senior Judge order dt 6/11/19 in cv/mp
the sum of Rupees Fifty thousand only — no. 23414/19 A

Maintenance
Compensation cv/mp no. 18634/19, CA No. 320/19 A.
on account of Batta FTC-II mm Permit order dt 3/12/2019
Miscellaneous in CC No. 1978/2019. Paid by V. Loganathan
Rs. 50,000/- m 3/12/19 for 20% of cheque amount
Chief Clerk

5. The petitioner has agreed to pay the cheque amount of Rs.5,00,000/- and over and above another Rs.2 lakhs, in total Rs.7 lakhs to the respondent. He has already deposited Rs.2,50,000/- before the trial Court. The petitioner deposited Rs.75,000/- by way of demand draft before the trial Court in C.C.No.443 of 2018 and C.C.No.1978 of 2019 by D.D.Nos.690594 and 690595, dated 01.03.2022 drawn on Chennai Central Co-operative Bank Ltd, Villivakkam Branch. Thus, as on date a sum of Rs.2,50,000/- are deposited in the trial Court.

6. Today (03-03-2025), the petitioner handed over a demand draft for Rs.3,00,000/-, Rs. 50,000/- and Rs.1,00,000/- in cash (scan copy).



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On 1
मार्च 2025
Rup
रुपय

3/3/2025

Received Rs 1,00,000/- [Rupees One Lakh
only) by cash on this day 3rd
March 2025 from the Respondent/
Accused on behalf of the Complainant
towards Cr. No 676/22 678/22
91/22 and 119/22 Out of the
total Settlement Amount of
Rs ~~70~~ 7,00,000/-

(Complainant)



CrI.R.C.Nos.91 & 119 of 2022

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Chennai Central Co-operative Bank Ltd., Villivakkam Branch: 127-B, Red Hills Road (North), Villivakkam, Chennai - 600 049

PAY P EDWIN *****

RUPEES Three Lakh only.**

₹ 3,00,000.00/-

10553

NOT OVER RS. 300000.000/-

Purchaser: L HEMAMALINI

Authorized Officer

Please sign above

3/3/25.

Received Rs 3,00,000/- [Rupees Three lakhs only]
by Pay order Dt 28.2.25 being no 690951
On the day of 3rd March 2025 from
the Respondent/Accused on behalf
of the complainant towards the
first and final settlement in
CrI. Rc 676/22, 678/22, 91/22 and 119/22
Out of the total settlement amount
of Rs 7,00,000/-.

Counsel for complainant



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CrI.R.C.Nos.91 & 119 of 2022

7. The photocopy of the demand draft and receipt for Rs.1,00,000/- (cash), totally Rs.7,00,000/-, has been paid.

8. The learned counsel for the respondent/complainant requests that he may be permitted to receive the amount of Rs.1,25,000/- each deposited in the credit of C.C.Nos.443 of 2018 and 1978 of 2019 in total Rs.2,50,000/-before the trial Court. According to the petitioner, this amount has been deposited in a fixed deposit and the interest accrued on such fixed deposit, if any shall be included and paid.

9. The learned counsel for the petitioner has no objection for respondent receiving the deposited amount, along with accrued interest if any.

10. In view of the above, this Court directs the trial Court to hand over the amount of Rs.1,25,000/- each deposited in C.C.Nos. 443 of 2018 and 1978 of 2019, along with accrued interest, if any.

11. The petitioner to file appropriate petition before the trial Court. The trial Court to return the deposited amount to the respondent/complainant, dispensing notice to the petitioner/accused. The learned counsel for the respondent seeks small accommodation to file a petition under Section 147 of N.I Act to compound the case.

12. Post this matter on 17.03.2025."



WEB COPY 2. In continuation to the earlier order passed by this Court on 03.03.2025, today, the petitioner as well as respondent and their respective counsel are present. Both the petitioner and respondent confirmed the compromise arrived at between them. The learned counsel for respondent filed a Petition under Section 147 of the Negotiable Instruments Act, 1881 in Crl.M.P.Nos.5422 and 5425 of 2025, respectively, for compounding the offence and submitted that the petitioner/accused paid to the satisfaction of the respondent both in C.C.Nos.1978 of 2019 and 443 of 2018, which are now culminated into Crl.R.C.Nos.91 and 119 of 2022, respectively.

3. In view of the compromise arrived at between the parties and considering the petition under Section 147 of the Negotiable Instruments Act, the offence under Section 138 of the Negotiable Instruments Act in C.C.Nos.1978 of 2019 and 443 of 2018 are compounded.

4. Accordingly, the conviction and sentence imposed on the petitioner vide judgment dated 17.04.2021 made in Crl.A.Nos.320 & 319 of 2019, respectively, on the file of the learned XVIII Additional



CrI.R.C.Nos.91 & 119 of 2022

Sessions Judge, City Civil Court, Chennai, confirming the judgment

dated 06.08.2019 made in C.C.Nos.1978 of 2019 and 443 of 2018,

respectively, on the file of the learned Metropolitan Magistrate, Fast

Track Court-II, Egmore, Allikulam, Chennai, are set aside and the

Criminal Revisions Cases are allowed. The petitioner is acquitted of the

charge under Section 138 of the Negotiable Instruments Act.

17.03.2025
(1/2)

Index: Yes/No

Speaking/Non-speaking order

Neutral citation: Yes/No.

rsi

To

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

2.The Metropolitan Magistrate,
Fast Track Court-II,
Egmore @ Allikulam, Chennai

3.The Public Prosecutor,
Madras High Court.



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Crl.R.C.Nos.91 & 119 of 2022

M.NIRMAL KUMAR, J.

rsi

Crl.R.C.Nos.91 & 119 of 2022

17.03.2025
(1/2)