



CrI.R.C.No.378 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2025

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CrI.R.C.No.378 of 2022

and

CrI.M.P.No.3249 of 2025

1.M/s.Hari Kamal Apparels,
Rep. By its Partner R.Chandrasekar
S/o.Raju,
Door No.256, T.N.Seshan Street,
Samundipuram West,
Tiruppur – 641 603.

2.R.Chandrasekar

... Petitioner

Vs.

G.Balachandar

... Respondent

PRAYER: Criminal Revision Petition filed under Sections 397 and 401 of Criminal Procedure Code, to set aside the judgment passed in C.A.No.86 of 2019 by the learned II Additional District and Sessions Judge, Thiruppur dated 27.10.2021 confirming the judgment and sentence passed in S.T.C.No.5874 of 2010 by the learned Judicial Magistrate No.I, Thiruppur dated 31.07.2019.



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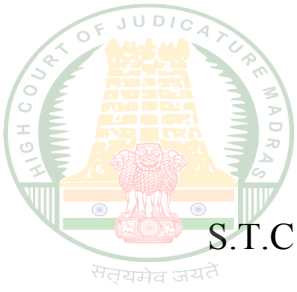
For Petitioners : Mr.D.Prasanna Kumar

For Respondent : Ms.T.Durga Devi

ORDER

The petitioners were convicted by the Trial Court by judgment dated 31.07.2019 in S.T.C.No.5874 of 2010 for the offence under Section 138 of the Negotiable Instruments Act and sentenced to undergo one year Simple Imprisonment and to pay a sum of Rs.3,00,000/- as compensation to the respondent, in default, to undergo two months simple imprisonment. Aggrieved over the judgment of the trial Court, an appeal was preferred by the petitioner in C.A.No.86 of 2019. The Sessions Court by judgment dated 27.10.2021 dismissed the appeal, confirming the judgment of the trial Court, against which the present revision.

2.The contention of the learned counsel for the petitioners is that earlier when the petitioners preferred this revision, this Court directed the petitioners to deposit 50% of the cheque amount i.e., Rs.1,50,000/- to the credit of S.T.C.No.5874 of 2010 before the Trial Court and pursuant to the same, the petitioners deposited a sum of Rs.1,50,000/- to the credit of



S.T.C.No.5874 of 2010 before the Trial Court. A memo was filed to that effect along with the copy of the Demand Draft. He would further submit that during the pendency of the revision, the petitioners and the respondent arrived at a compromise. The respondent/complainant finding that the petitioners suffered a loss in the business agreed to compound the offence by receiving the balance amount of Rs.1,50,000/-.

3.Today, the second petitioner as well as the respondent and their respective counsels are present before this Court. Both the parties as well as the counsels submitted that the issue between the petitioner and the respondents have been amicably resolved and a joint compromise memo was produced to this effect. It is submitted that the respondent/complainant received the balance amount of Rs.1,50,000/- in cash and he is willing to compound the offence against the petitioner.

4.The learned counsel for the respondent confirms the receipt of the amount and his only plea is that the respondent may be permitted to withdraw the amount of Rs.1,50,000/- which has been deposited by the petitioner to the credit of S.T.C.No.5874 of 2010 on the file of the learned



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Judicial Magistrate No.I, Thiruppur.

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5.The learned counsel for the petitioner has got no objection for the respondent withdrawing the amount deposited before the Trial Court.

6.The petitioner has filed compounding petition along with affidavit before this Court in Crl.M.P.No.3249 of 2025 in Crl.R.C.No.378 of 2022 invoking Section 147 of the Negotiable Instruments Act, 1881 to compound the offence and the same is ordered.

7.In the result, the case between the petitioner and the respondent is compounded. Hence, the judgment, dated 31.07.2019 in S.T.C.No.5874 of 2010, passed by the learned Judicial Magistrate No.I, Thiruppur and the judgment dated 27.10.2021 passed by the learned II Additional District and Sessions Judge, Thiruppur in C.A.No.86 of 2019 are set aside and the revision is, accordingly, allowed. The respondent/complainant is permitted to withdraw the amount of Rs.1,50,000/- lying in the credit of S.T.C.No.5874 of 2010 by filing an appropriate petition before the Trial Court. Notice to the petitioners/accused is dispensed with. The petitioners



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are acquitted of all the charges levelled against them.

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Index: Yes/No

Speaking Order/Non-Speaking Order

Neutral Citation: Yes/No

cse

Note: Issue order copy on 24.02.2025.

To

1.The Judicial Magistrate No.I,
Thiruppur.

2.The II Additional District and Sessions Judge,
Thiruppur.



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M.NIRMAL KUMAR, J.

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