



Crl.R.C.No.276 of 2021

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 17.04.2025

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.276 of 2021

M.Subramaniam

... Petitioner/Accused

Versus

K.Sivashankar

... Respondent/complainant

PRAYER : Criminal Revision Petition filed under Sections 397 r/w 401 of Cr.P.C., praying to allow the Criminal Revision Case and set aside the order dated 15.11.2019 in C.C.No.731 of 2017 on the file of the learned Judicial Magistrate, Fast Track Court No.II, Coimbatore, partly allowing the order dated 28.10.2020 passed in C.A.No.407 of 2019 on the file of the learned I Additional District and Sessions Judge, Coimbatore.

Petitioner : Mr.A.Tamilarasan

For Respondent : Mr.C.S.Dhanasekaran

ORDER

This Court, on 02.04.2025, had passed the following order:



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This Court on 10.03.2025 had passed the following order:

“The Petitioner/accused in C.C.No.731 of 2017 was convicted by the trial Court by the judgment dated 15.11.2019 on the complaint given by the respondent for offence under Section 138 of the Negotiable Instruments Act and sentenced him to undergo six months simple imprisonment and to pay the cheque amount of Rs.4,72,000/- as compensation with interest at the rate of 6% per annum. Aggrieved against the same, the petitioner preferred an appeal before the Sessions Court in C.A.No.407 of 2019. The learned Sessions Judge, by the judgment dated 28.10.2020, partly allowed the appeal, modifying the sentence from six months simple imprisonment to three months simple imprisonment, against which, the petitioner preferred the above revision along with petitions seeking exemption from surrender and suspension of sentence.

2.The learned counsel for petitioner submitted that the cheque amount is Rs.4,72,000/-. The petitioner at the time of filing an appeal, deposited a sum of Rs.94,400/- before the trial Court in the credit of C.C.No.731 of 2017. At the time of admission, this Court, by the order dated 06.05.2021, granted exemption from surrender and suspension of sentence to the petitioner with certain conditions. One of the conditions is that the petitioner to deposit a sum of Rs.60,000/- to the credit of C.C.No.731 of 2017, which the petitioner deposited.

3.The learned counsel further submitted that the petitioner as on date, due to a sum of Rs.3,17,600/- to be paid towards the cheque amount. Hence, seeks two weeks time to



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produce a Demand Draft in the name of the respondent or to deposit the amount of Rs.3,17,600/- to the credit of C.C.No.731 of 2017.

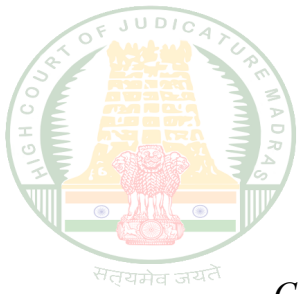
4.Post the matter on 02.04.2025. It is made clear that if the petitioner fails to deposit the balance cheque amount, arguments in this case would be heard and the revision would be disposed of on that day.”

2.In continuation and conjunction to the above order, this Court is passing the following order.

3.Today, both the petitioner and the respondent along with their counsels present.

4.Today, the petitioner produced a demand draft for a sum of Rs.1,00,000/- (Rupees one lakh only) to the respondent/complainant and seeks small accommodation to pay the balance amount of Rs.2,17,600/- without fail on the next hearing date.

5.The learned counsel for the respondent submitted that at the time of filing appeal, the petitioner deposited a sum of Rs.94,400/- to the credit of C.C.No.731 of 2017 before the Trial Court and at the time of filing revision, another Rs.60,000/- deposited to the credit of



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C.C.No.731 of 2017 before the Trial Court, in total a sum of Rs.1,54,400/- is lying in the credit of C.C.No.731 of 2017 and the same may be handed over to the respondent. The learned counsel for the petitioner has got no objection for the same.

6.In view of the above, the respondent is directed to file appropriate petition/memo before the Trial Court. On such filing, the Trial Court to permit the respondent/complainant to withdraw the amount of Rs.1,54,400/-along with the accrued interest if any, without any notice to the petitioner.

7.Post the matter on 17.04.2025.”

2.In continuation and conjunction to the earlier order passed by this Court on 02.04.2025, the petitioner handed over a Demand Draft bearing No.163304544 dated 05.04.2025 for a sum of Rs.2,17,600/- in favour of the respondent drawn on Indian Overseas Bank, Red Fields Branch, Coimbatore and the respondent acknowledged receipt of the same. The copy of the Demand Draft with acknowledgement is produced before this Court. Today,



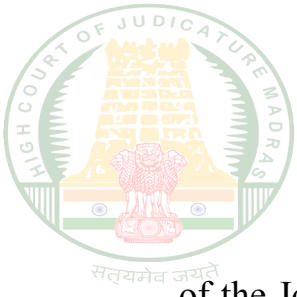
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the petitioner as well the respondent and their respective counsels are present before this Court. Both the parties confirmed the compromise and now the entire amount has been settled to the satisfaction. Both the parties filed a compounding petition along with Joint Memorandum of Compromise dated 05.04.2025 signed by both parties and their respective counsel in Crl.M.P.No.8389 of 2025 in Crl.R.C.No.276 of 2021 invoking Section 147 of the Negotiable Instruments Act, 1881 for compounding the offence.

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. No.731 of 2017 is compounded.

4. Accordingly, the Joint Memorandum of Compromise dated 05.04.2025 is taken on file. The Criminal Revision Case is allowed in terms



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of the Joint Memorandum of Compromise dated 05.04.2025. The conviction and sentence imposed on the petitioner vide judgment dated 28.10.2020 made in Crl.A.No.407 of 2019 on the file of the learned I Additional District and Sessions Judge, Coimbatore, confirming the judgment dated 15.11.2019 made in C.C.No.731 of 2017 on the file of the learned Judicial Magistrate, Fast Track No.II, Coimbatore, is set aside and the revision petitioner is acquitted of the offence under Section 138 of the Negotiable Instruments Act.

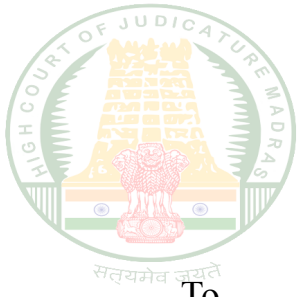
17.04.2025

Index : Yes / No

Internet : Yes/No

Speaking / Non-speaking order

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To
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- 1.The Judicial Magistrate,
Fast Track Court No.II,
Coimbatore.
- 2.The I Additional District and Sessions Judge,
Coimbatore.
- 3.The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

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