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CrI.R.C.No.898 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2025

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CrI.R.C.No.898 of 2021
and CrI.M.P.No.8344 of 2025

K.Mani

... Petitioner

Vs.

M.Balakrishnan

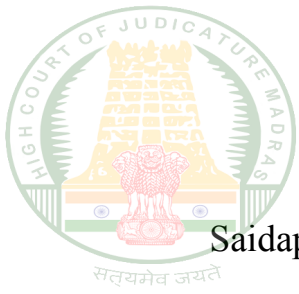
... Respondent

PRAYER: Criminal Revision Petition filed under Section 397 r/w. 401 of Cr.P.C. to call for the records in respect of the impugned order dated 06.08.2021 of the V Additional District and Sessions Court, Chennai in CrI.A.No.189 of 2019 dismissing the appeal and consequentially confirming the judgment dated 12.04.2019 of Fast Track Metropolitan Magistrate Court No.III, Saidapet in C.C.No.3568 of 2013 and set aside the same.

For Petitioner : Mr.G.Mohana Krishnan
For Respondent : Mr.K.Senthilkumar

ORDER

The petitioner was convicted by judgment, dated 12.04.2019 in C.C.No.3568 of 2013, by the learned Metropolitan Magistrate, FTC-III,



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Saidapet, Chennai, for offence under Section 138 of the Negotiable Instruments Act and sentenced to undergo six months Simple Imprisonment and to pay double the cheque amount as compensation to the respondent. Aggrieved over the judgment of the trial Court, an appeal was preferred by the petitioner before the Sessions Court, Chennai/lower appellate Court in C.A.No.189 of 2019. The learned V Additional Sessions Judge, City Civil Court, Chennai by judgment dated 06.08.2021 dismissed the appeal, confirming the judgment of the trial Court, against which the present revision.

2.The gist of the case is that the petitioner approached the respondent and borrowed a sum of Rs.8,50,000/- on various dates to meet his urgent needs. In discharge of the said liability, the petitioner issued a State Bank of India, Jafferkhanpet Branch Branch cheque bearing No.425418 dated 09.05.2013 for Rs.8,50,000/-. When the cheque was presented for encashment, the same was returned for the reason 'Funds Insufficient'. After following the statutory conditions, complaint was filed by the respondent.

3.During trial, the respondent examined himself as P.W.1 and marked



Ex.P1 to Ex.P4. On the side of the petitioner, no witness examined and no documents marked. The trial Court on conclusion of trial found the petitioner guilty and convicted him as stated above.

4.The learned counsel for the petitioner submits that now the issue between the petitioner and the respondent got resolved. He would submit that the respondent/complainant agreed to receive Rs.7,00,000/- in lieu of the cheque amount of Rs.8,50,000/-. He would further submit that the petitioner already deposited a sum of Rs.1,70,000/- before the Trial Court at the time of admission of the appeal to the credit of C.C.No.3568 of 2013. On 15.04.2025, the petitioner paid a sum of Rs.4,30,000/- by cash to the respondent which was acknowledged by the respondent. Further, the petitioner agreed to pay the balance amount of Rs.1,00,000/- to the respondent on 17.04.2025. A scanned reproduction of the receipt for payment of Rs.1,70,000/- before the Trial Court, the acknowledgement of the respondent for the receipt of Rs.4,30,000/- and the respondent agreeing to receive the balance amount of Rs.1,00,000/- on 17.04.2025 is as follows:



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No. 81269

M.M. 32-1,010 Bks.-14-5-76.

FTC II

IN THE METROPOLITAN MAGISTRATE'S COURT,
EGMORE, MADRAS.
GEORGE TOWN
SAIDAPET V5

03/08/19 197

RECEIVED from Adl. Han (cash deposited)

the sum of Rupees 1,70,000 (one lakh seventy thousand only)

Maintenance
on account of Compensation Hm' b/o VI Adl. Session Cr MP 8702/19
Batta
Miscellaneous CA no 189/19 C no 356th/3 FTC II dt 8/5/19

No. 170000

3/8/19

Today (15/4/25) I have received
Sum of Rs. 4,30,000/- (Four Lakh Thirty
Thousand only) by cash toward past
amount of settlement out of Rs. 7,00,000/-
and I agreed to receive the balance
amount of Rs. 1,00,000/- on 17/4/25.

M. Balakrishnan
15/4/2025
M. BALAKRISHNAN



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WEB COPY 5.Today, the petitioner and the respondent are present before this Court. The petitioner handed over the balance amount of Rs.1,00,000/- by cash to the respondent and the respondent received the amount.

6.The learned counsel for the respondent submitted that the respondent may be permitted to withdraw the amount of Rs.1,70,000/- which has been deposited by the petitioner to the credit of C.C.No.3568 of 2017 before the Trial Court.

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

8.The respondent filed compounding petition along with affidavit before this Court in Crl.M.P.No.8344 of 2025 in Crl.R.C.No.898 of 2021 invoking Section 147 of the Negotiable Instruments Act, 1881 to compound the offence and the same is ordered.

9.In the result, the case between the petitioner and the respondent is



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compounded. Hence, the judgment, dated 12.04.2019 in C.C.No.3568 of 2019, passed by the learned Metropolitan Magistrate, FTC-III, Saidapet, Chennai and the judgment dated 06.08.2021 passed by the learned V Additional District and Sessions Judge, Chennai in C.A.No.189 of 2019 are set aside and the revision is, accordingly, allowed. The respondent/complainant is permitted to withdraw the amount of Rs.1,70,000/- lying in the credit of C.C.No.3568 of 2013 along with the interest accrued, if any, by filing an appropriate petition before the Trial Court. Notice to the petitioner/accused is dispensed with. The petitioner is acquitted of all the charges levelled against him. Consequently, connected miscellaneous petition is closed.

17.04.2025

Index:Yes/No

Speaking Order/Non-Speaking Order

Neutral Citation: Yes/No

cse

Note: Issue order copy on 25.04.2025



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To

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

2.The Metropolitan Magistrate,
FTC-III, Saidapet,
Chennai.



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M.NIRMAL KUMAR, J.

cse

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17.04.2025