



Crl.R.C.No.896 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.04.2025

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.896 of 2021 and
Crl.M.P.No.7279 of 2025

A.Sangameswaran

... Petitioner

Vs.

M/s.Sathimurugan Textiles,
by its Partner,
C.K.Jeyakumar,
14/23-B, Chinnaiya Kounder Street,
Palladam,
Tiruppur.

... Respondent

PRAYER: Criminal Revision Petition filed under Sections 397 r/w 401 of Criminal Procedure Code, to set aside the judgment dated 22.10.2021 passed in Crl.A.No.68/2018 on the file of the Principal Sessions Judge, Tiruppur confirming the judgment dated 28.06.2018 passed in STC.No.1062/2009 by the Judicial Magistrate Court No.I, Tiruppur by allowing the present revision and acquit the petitioner.

For Petitioner : Mr.M.Karthik

For Respondent : Mr.S.Vinoth Kumar



ORDER

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The petitioner was convicted by judgment, dated 28.06.2018 in STC.No.1062 of 2009 by the learned Judicial Magistrate No.I, Tiruppur (Trial Court) for offence under Sections 138 of Negotiable Instruments Act, 1881 and sentenced to undergo one year Rigorous Imprisonment and to pay a compensation of Rs.7,21,497.50/- 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 before the learned Principal Sessions Judge, Tiruppur (Lower Appellate Court) in Crl.A.No.68 of 2018. The Lower Appellate Court, by judgment dated 22.10.2021 dismissed the appeal, confirming the judgment of the trial Court, against which the present criminal revision case is filed.

2.The learned counsel for the petitioner submitted that now the issue between the petitioner and the respondent got resolved and that the respondent agreed to receive the cheque amount of Rs.7,21,497.50/-. At the time of admission of the revision, the petitioner deposited 50% of the cheque amount to the credit of STC.No.1062 of 2009 on the file of the Trial Court *vide* receipt No.0785001, dated 06.01.2022. Now, the petitioner paid the balance 50% of the cheque amount of Rs.3,60,748/- by way of demand draft No.502313, dated

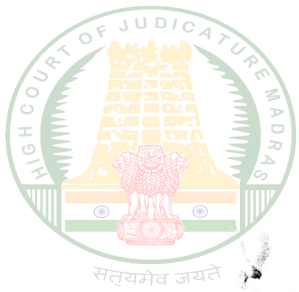


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05.04.2025 drawn in favour of the respondent. He further submitted that based on the compromise, a compounding petition in Crl.M.P.No.7279 of 2025 in Crl.R.C.No.896 of 2021 filed under Section 147 of Negotiable Instruments Act, 1881 to compound the offence.

3.The learned counsel for the respondent confirms the compromise entered between the petitioner and the respondent and also confirms the receipt of the entire cheque amount of Rs.7,21,497.50/-.

4.Today, the petitioner and the respondent present before this Court and this Court had an enquiry with the respondent. The respondent reaffirmed the compromise entered with the petitioner, receipt of entire amount and filing of compounding petition. The scanned reproduction of the compounding petition under Section 147 of Negotiable Instruments Act, 1881 and demand draft, dated 05.04.2025 are as follows:



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IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Side jurisdiction)

Crl.M.P.No. 7279 of 2025

in

CRL.R.C.No. 896 of 2021

Against

Crl.A.No.68 of 2018

(On the file of the Hon'ble Principal Session Judge, Tiruppur District)



M/s SAKTHIMURUGAN TEXTILES

Rep by its Partner C.K.JEYAKUMAR,
14/23-B, Chinniya Kounder Street,
Palladam, Tiruppur.

...Petitioner/Respondent/ Respondent
-Vs-

Mr.A.SANGAMESWARAN,
S/o Amirthalingam.
No.1, Maraimalaiadigal Street,
Surampatti Post, Erode.

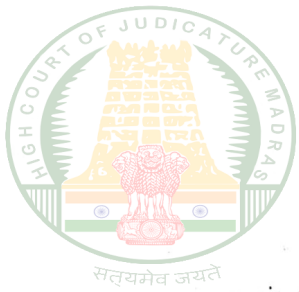
... Respondent/Petitioner/Appellant

PETITION FILED UNDER SECTION 147 OF NEGOTIABLE INSTRUMENTS
ACT, 1881 TO COMPOUNDING OF OFFENCES

The petitioner above named submits follows;

1. The petitioner state that the respondent herein filed the above Crl.R.C.896 OF 2021 before this Hon'ble court Against the Judgment passed in Crl.A. 68 OF 2018 dated 22.10.2021 on the file of the Hon'ble Principal Sessions Judge, Tiruppur by conforming the sentence imposed by the Hon'ble Judicial Magistrate No-1, Tiruppur passed in S.T.C.No.1062 of 2009 dated 28.06.201 by conviction the accused under section 138 of the Negotiable Instruments Act, 1881 by convicts & sentence him to undergo Rigorous Imprisonment for a term of one Year and to pay compensation of Rs.7,21,497.50 to the complainant U/s 357[3], of Cr.P.C. in the event of failing to pay compensation by the accused he shall undergo two months simple imprisonment.
2. The petitioner state that pending the above criminal Revision case the respondent herein come forward to pay the compensation amount and by way of this Hon'ble court order on 06.01.2022 he deposited 50% of the

[Handwritten signature]
20/04/25
ES.VINODH (C.M.A.)



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compensation amount sum of Rs.3,60,748/- before the Hon'ble Judicial Magistrate court No.1,Tiruppur and on 14.03.2025 this Hon'ble court grant liberty to the petitioner to withdraw the deposited amount as per the order the petitioner make necessary steps to withdraw the deposited amount.

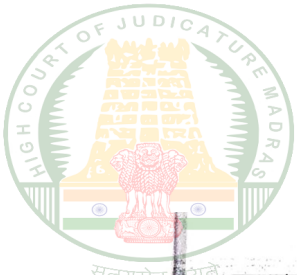
3.The petitioner state that as per the direction of this Hon'ble court order today [07.04.2025] the respondent herein paying the balance 50% of compensation amount Sum of Rs.3,60,748/- by way of demand Draft D.D.No. 502313 dated 05.04.2025 ICICI Bank,Tirupur, the same was hand it over to the petitioner before this Hon'ble court and the petitioner received the same. Hence the respondent herein paid the entire compensation amount of Rs. 7,21,497.50/- by way of court deposit and Demand draft. Hence the petitioner agreed to compounding the offence against the accused person Respondent herein. Hence the petitioner filed this present petition under section 147 of the Negotiable Instruments Act,1881 to compounding the offence under section 138 of the Negotiable Instruments Act,1881.

Therefore it is respectfully prayed that this Hon'ble court may be pleased to record this petition and compounding the offence and pass such further or other orders as this Hon'ble court may deem fit in the proper and circumstances of this case and thus render justice.

Dated at Chennai on this 07th day of April,2025

CK Jagan 7/4/2025
Petitioner/Respondent

[Signature] 7/4/2025
Counsel for the petitioner/ respondent
ES. VINAYAK / Counsel



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VALID FOR THREE MONTHS ONLY
DATE 0 5 0 4 2 0 2 5 Y Y

ICICI Bank (6611) TIRUPUR Drawee Branch
DD No. 502313

ON DEMAND PAY TO THE ORDER OF SAKTHIMURUGAN TEXTILES REP BY ITS
PARTNER C.K. JEYAKUMAR*****
RUPEES THREE LAKH SIXTY THOUSAND SEVEN HUNDRED FORTY EIGHT Only
₹ *****3,60,748.00
FOR VALUE RECEIVED

Purchaser Name: LA GLACEE
TL/3/6 Not Above 3,60,748.00

1552DDCENPAY
ERODE - PARATHANAGAR

Authorised Signatory

Authorised Signatory
Please sign above

502313 0002290000 001552 16

Received D.D. Sum of 3,60,748/-

D.D. NO: 502313.

Dated 5/4/2025

C.K. Jeyaraj 7/4/25

[C.K. JAYAKUMAR]



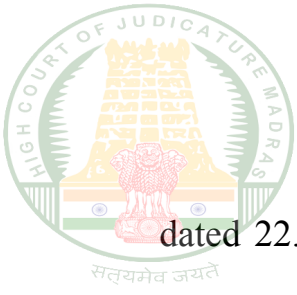
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5.It is seen that this Court on 14.03.2025 directed the respondent to withdraw the 50% of cheque amount of Rs.3,60,748/- deposited by the petitioner, at the time of admission of the revision, by filing appropriate petition. Now, the petitioner handed over demand draft for balance 50% of the cheque amount to the respondent and the same is acknowledged by him.

6.The respondent/complainant has filed a compounding petition in Crl.M.P.No.7279 of 2025 in Crl.R.C.No.896 of 2021 invoking Section 147 of the Negotiable Instruments Act, 1881 to compound the offence and the same is ordered.

7.In view of the above development and in the interest of both the parties not to keep these proceedings pending since it will affect their future life, this Court accepts the compromise entered between them.

8.In the result, the case between the petitioner and the respondent is compounded. Hence, the judgment, dated 28.06.2018 in STC.No.1062 of 2009 passed by the learned Judicial Magistrate No.I, Tiruppur and the judgment,



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dated 22.10.2021 passed by the learned Principal Sessions Judge, Tiruppur in

Crl.A.No.68 of 2018 are set aside and the revision is, accordingly, allowed. The

petitioner is acquitted of all the charges levelled against him.

07.04.2025

Speaking Order/Non Speaking Order

Index : Yes/No

Neutral Citation: Yes/No

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To

1.The Principal Sessions Judge,
Tiruppur.

2.The Judicial Magistrate No.I,
Tiruppur.

Note: Issue Order Copy on 15.04.2025.



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M.NIRMAL KUMAR, J.

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07.04.2025