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Crl.R.C.No.1099 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2025

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.1099 of 2017
and Crl.M.P.No.4324 of 2025

Sunil Kumar.C

... Petitioner

Vs.

1.Abdul Khader M.A.

2.The State rep. Through
The Public Prosecutor,
Puducherry.

... Respondents

PRAYER: Criminal Revision Petition filed under Sections 397 r/w. 401 of Cr.P.C. to set aside the judgment dated 02.03.2017 passed in Crl.A.No.39 of 2014 by the II Additional Sessions Judge at Puducherry, confirming the judgment dated 17.10.2014 made in S.T.R.No.2019 of 2013 by the Judicial Magistrate, Mahe, convicting the petitioner for an offence under Section 138 of the Negotiable Instruments Act and sentencing the petitioner to undergo simple imprisonment for one year and to pay fine amount of Rs.10,000/- in default of payment of fine further to undergo simple imprisonment for a period of three months.



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For Petitioner : Mr.C.V.Kumar
For R1 : Mr.S.Anil Sandeep
For R2 : Mr.M.V.Ramachandramurthy
Additional Public Prosecutor [Puducherry]

ORDER

The petitioner was convicted by judgment, dated 17.10.2014 in S.T.R.No.2019 of 2013, by the learned Judicial Magistrate at Mahe, Puducherry, for the offence under Section 138 of the Negotiable Instruments Act and sentenced to undergo one year simple imprisonment and to pay a fine of Rs.10,000/-, in default to undergo three months simple imprisonment. Aggrieved over the judgment of the trial Court, an appeal was preferred by the petitioner before the II Additional Sessions Court, Puducherry/lower appellate Court in C.A.No.39 of 2014. The learned II Additional Sessions Judge, Puducherry by judgment dated 02.03.2017 dismissed the appeal, confirming the judgment of the trial Court, against which the present revision.

2.This Court by order dated 18.02.2022 dismissed the revision petition



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on merits.

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3.After the conviction, the petitioner approached the first respondent and resolved the issue by settling the entire cheque amount in cash. But the first respondent failed to inform this Court or the Trial Court about the settlement arrived between them. In the meanwhile, the petitioner was arrested based on the conviction warrant issued by the Trial Court in S.T.R.No.2019 of 2013 and he is presently confined in Central Prison, Kannur.

4.Today, the first respondent appeared before this Court through video conferencing and confirmed that the issue between the petitioner and the first respondent amicably resolved. The first respondent also filed a petition under Section 528 of BNSS in Crl.M.P.No.4286 of 2025 to recall the order passed by this Court in Crl.RC.No.1099 of 2017 dated 18.02.2022 and the same is allowed.

5.Further, the first respondent filed a compounding petition and affidavit before this Court in Crl.M.P.No.4324 of 2025 in Crl.R.C.No.1099



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of 2017 invoking Section 147 of the Negotiable Instruments Act, 1881 to compound the offence and the same is ordered.

6.In the result, the case between the petitioner and the respondent is compounded. Hence, the judgment, dated 17.10.2014 in S.T.R.No.2019 of 2013, passed by the learned Judicial Magistrate at Mahe, Puducherry and the judgment dated 02.03.2017 passed by the learned II Additional Sessions Judge, Puducherry in C.A.No.39 of 2014 are set aside and the revision is allowed accordingly. The petitioner is acquitted of all the charges levelled against him. The Superintendent, Central Prison, Kannur is directed to release the petitioner forthwith, if he is otherwise not required in any other case.

06.03.2025

Index:Yes/No

Speaking Order/Non-Speaking Order

Neutral Citation: Yes/No

cse

Note: Issue order copy on 06.03.2025



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- To
- 1.The II Additional Sessions Judge,
Puducherry,
 - 2.The Judicial Magistrate,
Mahe, Puducherry.
 - 3.The Superintendent,
Central Prison,
Kannur.
 - 4.The Public Prosecutor,
Puducherry.



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M.NIRMAL KUMAR, J.

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