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CRL RC No. 785 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-07-2026

CORAM

THE HON'BLE MR.JUSTICE SHAMIM AHMED

CRL RC No. 785 of 2026

AND CRL MP NOS. 11140 & 11125 OF 2026

Sridhar

..Petitioner(s)

Vs

K.Jegan

..Respondent(s)

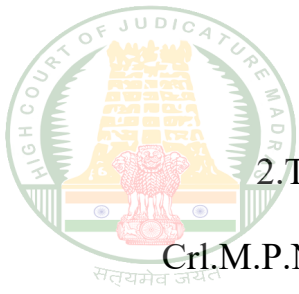
PRAYER – This Criminal Revision Case is filed under Sections 397 read with 401 of Cr.P.C., to set aside the judgment passed against the petitioner on 03.11.2025 made in Crl.A.No.46 of 2025 on the file of the VI Additional Sessions Judge, City Civil Court, at Chennai by confirming the Judgment dated 02.12.2024 in S.T.C.No.1062 of 2024, on the file of the Learned Metropolitan Magistrate, Fast Track Court II, Egmore @ Allikulam and acquit him from all the charges.

For Petitioner(s): Ms.S.Rohini

For Respondent(s): Mr.M.Manojkumar

ORDER

This Criminal Revision Case has been filed praying to set aside the judgment dated 03.11.2025 passed in C.A. No. 46 of 2025 on the file of the VI Additional Sessions Judge, City Civil Court, at Chennai. The said judgment confirmed the conviction and sentence dated 02.12.2024 passed in S.T.C.No.1062 of 2024 on the file of the Metropolitan Magistrate, Fast Track Court II, Egmore @ Allikulam.



2.The Coordinate Bench of this Court vide order dated 08.04.2026, in Crl.M.P.No.6159 of 2026 in Crl.R.C.No.785 of 2026, directed the petitioner to deposit 50% of the cheque amount before the learned Trial Court. Thereafter, the matter was listed on 03.07.2026 before this Court, wherein the learned counsel for the petitioner prayed for some further time to make compliance of the order dated 08.04.2026. This Court, considering the request of the learned counsel for the petitioner, granted 10 days further time to make compliance of the condition imposed in the order dated 08.04.2026. The operative portion of the said order is reproduced as under:

“5. Accordingly, considering the request made by the learned counsel for the petitioner, time is extended by 10 days from today and no more further time is allowed to comply with the condition 5(i) of the order passed by this Court. In this regard, the petitioner is directed to produce deposit receipt on the next date of hearing before this Court. In case of failure to comply with the condition imposed by this Court dated 08.04.2026, the case will be finally decided on the next date fixed.”

3.When the matter is taken up for hearing today, Ms.S.Rohini, learned counsel for the petitioner submits that her client is not in a position to comply with the interim condition imposed by this Court vide orders dated 03.07.2026. By the said order, at request of the learned counsel for the petitioner, the petitioner was granted ten days further time to deposit 50% of the cheque amount before the Trial Court to the credit of S.T.C No.1062 of 2024. The



learned counsel further submits that since the condition cannot be complied with, the matter may be decided finally on its merits.

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4.This Court heard the arguments advanced by the learned counsel for the petitioner as well as the respondent and perused the entire materials available on record.

5.The brief facts leading to the filing of this revision petition are that the respondent/complainant initiated proceedings against the petitioner under Section 138 of the Negotiable Instruments Act. After a thorough consideration of the oral and documentary evidence on record, the learned Trial Court, vide judgment dated 02.12.2024 in S.T.C. No.1062 of 2024, convicted the petitioner for the offence under Section 138 of the NI Act. The petitioner was sentenced to undergo one year simple imprisonment and directed to pay a compensation sum of Rs.19,50,000/- (Rupees Nineteen Lakhs and Fifty Thousand Only) and in default, to undergo two months simple imprisonment.

6.Aggrieved by the said conviction and sentence, the petitioner preferred an appeal before the VI Additional Sessions Judge, City Civil Court, Chennai in C.A. No.46 of 2025. In the memorandum of grounds, the petitioner contended that respondent himself admits that the Cheque (Exhibit P1 series) were issued in the year 2021, but were presented in 2023. The Trial Court failed to note



when Ex.P1 series was presented to the Bank. Neither in the complaint nor in the legal notice, it was mentioned. The Trial Court erred in failing to appreciate that, once the execution of the cheque is admitted, the presumption under Section 139 of the N.I. Act operates in favour of the complainant and that the said presumption can be rebutted by the accused on the touchstone of preponderance of probabilities. However, the learned Appellate Court, after assessing the entire evidence and hearing both sides, dismissed the appeal vide judgment dated 03.11.2025, thereby confirming the judgment passed by the Trial Court.

7.This Court has carefully considered the grounds raised by the petitioner and perused the judgments passed by both the courts below. A concurrent finding of fact has been arrived at by both the Trial Court and the Appellate Court. The courts below have explicitly noted that the respondent/complainant successfully proved the execution of the cheque and the subsistence of a legally enforceable debt. The petitioner failed to robustly rebut the statutory presumptions available under Sections 118 and 139 of the NI Act. The contention regarding the non-service of legal notice (Ex.P4) was duly considered and rightly rejected by the courts below based on the evidence available on record.



8. Furthermore, on a specific request made by the learned counsel for the petitioner, this Court had passed an equitable conditional order on 08.04.2026

directing a deposit of 50% of the compensation amount before the Trial Court.

The failure to comply with this order, coupled with the submission made today that the petitioner is unable to pay, clearly demonstrates that the petitioner is

neither ready to clear any part of the liability nor respect the orders of the Court.

It is well-settled that a criminal revision is not a second appeal. In the absence

of any patent illegality, perversity, or jurisdictional infirmity in the concurrent

findings of the courts below, this Court cannot re-appreciate the entire evidence.

Consequently, this Criminal Revision Case lacks merit and is liable to be

dismissed.

9. Accordingly, this Criminal Revision Case is **dismissed**. Consequently, connected Miscellaneous Petitions are closed. The judgments passed by Metropolitan Magistrate, Fast Track Court II, Egmore @ Allikulam, in S.T.C.No.1062 of 2024 and confirmed by the VI Additional Sessions Judge, City Civil Court, Chennai in C.A. No.46 of 2025 stand confirmed. There shall be no order as to costs. The courts below are directed to take immediate and appropriate steps in accordance with law to secure the presence of the petitioner/accused to undergo the remaining period of sentence and to recover the compensation amount.



SHAMIM AHMED J.

GSA

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10. Let a copy of this order be sent by the Registry of this Court to the Court concerned for its necessary compliance and information.

16-07-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

GSA

To

1. The Public Prosecutor,
Madras High Court.

2. The VI Additional Sessions Judge,
City Civil Court, Chennai.

3. The Metropolitan Magistrate,
Fast Track Court II,
Egmore @ Allikulam.

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