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CRL RC No. 975 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-07-2026

CORAM

THE HON'BLE MR.JUSTICE SHAMIM AHMED

CRL RC No. 975 of 2026

and

CRL MP No.12322 & 12320 of 2026

Balasubramani

..Petitioner(s)

Vs

Dhandapani

..Respondent(s)

Prayer: To call for the records relating to the Judgment dated 11.12.2025 passed in Crl.A.No.50 of 2024 on the file of the Learned Additional Sessions Judge, Krishnagiri confirming the Judgment dated 05.08.2024 passed in STC.No.222 of 2022 on the file of the Learned Judicial Magistrate No.I, Krishnagiri set aside the said Judgments and consequently acquit the petitioner of the Charge u/s.138 of the NI Act, and ass such further or other orders.

For Petitioner(s): Mr. M.Sudhan

For Respondent(s): Mr. V Srihari

**ORDER**

This Criminal Revision Case has been filed under Section 397 read with Section 401 of the Code of Criminal Procedure, challenging the judgment dated 11.12.2025 passed by the learned Additional Sessions Judge, Krishnagiri in C.A.No.50 of 2024, confirming the judgment of conviction and sentence dated 05.08.2024 passed by the learned Judicial Magistrate No.I, Krishnagiri in S.T.C.No.222 of 2022, whereby the petitioner was convicted for the offence under Section 138 of the Negotiable Instruments Act, 1881 and sentenced to undergo one year Simple Imprisonment and to pay a fine of Rs.12,00,000/-, in default to undergo two months Simple Imprisonment.

2.Heard Mr. M.Sudhan, learned counsel appearing for the petitioner and Mr. V. Srihari, learned counsel appearing for the respondent.

3.The respondent/complainant initiated proceedings under Section 138 of the Negotiable Instruments Act alleging that the petitioner and the respondent were known to each other for several years and, taking advantage of the said acquaintance, the petitioner approached the respondent seeking financial assistance for clearing certain debts and meeting his business commitments. It was the specific case of the respondent that, believing the representation made by the petitioner, he advanced a sum of Rs.12,00,000/- as hand loan on 12.11.2021. Towards discharge of the said liability, the petitioner issued cheque



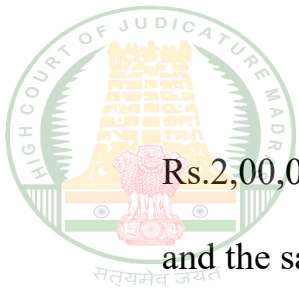
bearing No.259768 dated 14.12.2021 for a sum of Rs.12,00,000/- drawn on ICICI Bank, Dharmapuri Branch.

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4. When the said cheque was presented for collection, the same was returned unpaid with the endorsement "Insufficient Funds". Thereafter, the respondent issued a statutory notice dated 24.12.2021 calling upon the petitioner to pay the cheque amount. The said notice was admittedly served on the petitioner. However, the petitioner neither issued any reply denying the transaction nor complied with the demand made in the notice. Hence, the respondent proceeded to file a complaint under Section 138 of the Negotiable Instruments Act before the learned Judicial Magistrate No.I, Krishnagiri.

5. During the course of trial, the respondent examined himself as PW1 and examined one Ranganathan as PW2. The cheque, bank return memo, statutory notice and other connected documents were marked on the side of the respondent. The petitioner did not dispute the signature found in the cheque or that the cheque belonged to his bank account.

6. The defence of the petitioner was that he had not borrowed any amount of Rs.12,00,000/- from the respondent and that the cheque in question was not issued towards discharge of any legally enforceable debt. According to the petitioner, the cheque was issued only as a security in connection with a loan of



Rs.2,00,000/- allegedly obtained from a finance concern situated at Palacode and the same was subsequently misused by the respondent.

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7.Upon appreciation of the oral and documentary evidence, the learned Judicial Magistrate No.I, Krishnagiri, by judgment dated 05.08.2024, found the petitioner guilty for the offence under Section 138 of the Negotiable Instruments Act and sentenced him as stated above.

8.Aggrrieved by the same, the petitioner preferred C.A.No.50 of 2024 before the learned Additional Sessions Judge, Krishnagiri. The learned Appellate Judge, after independently re-appreciating the evidence available on record, confirmed the conviction and sentence imposed by the trial Court and dismissed the appeal by judgment dated 11.12.2025.

9.Challenging the concurrent findings of the Courts below, the present Criminal Revision Case has been filed.

10.Learned counsel appearing for the petitioner submitted that the judgments of the Courts below are contrary to law and evidence. It was contended that the respondent failed to establish the existence of a legally enforceable debt of Rs.12,00,000/-; that the alleged loan transaction was a cash transaction without any supporting document; that the financial capacity of the



complainant to advance such a huge amount was not established; and that no bank records, income tax returns or other financial materials were produced.

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11.Learned counsel further submitted that the defence of the petitioner that the cheque was issued only as a security in connection with a loan obtained from a finance concern at Palacode was a probable defence sufficient to rebut the presumption under Sections 118 and 139 of the Negotiable Instruments Act. Reliance was placed upon the judgments of the Hon'ble Supreme Court in *John K. Abraham v. Simon C. Abraham*, *APS Forex Services Pvt. Ltd. v. Shakti International Fashion Linkers*, *Rangappa v. Sri Mohan*, *Basalingappa v. Mudibasappa*, *Kumar Exports v. Sharma Carpets*, *M.S. Narayana Menon v. State of Kerala* and *Krishna Janardhan Bhat v. Dattatraya G. Hegde*.

12.Per contra, learned counsel appearing for the respondent submitted that the petitioner has admitted the issuance of the cheque and the signature thereon. Once execution of the cheque is admitted, the statutory presumptions under the Negotiable Instruments Act operate in favour of the respondent. It was submitted that the petitioner failed to rebut the presumption by producing any acceptable evidence and that the concurrent findings of the Courts below do not warrant interference in revisional jurisdiction.



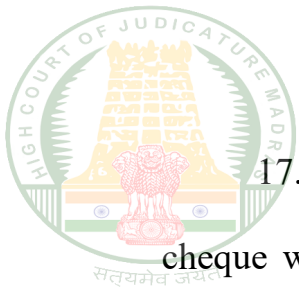
13. This Court has considered the rival submissions and perused the materials available on record.

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14. At the outset, it is to be noted that the scope of revisional jurisdiction under Sections 397 and 401 Cr.P.C. is limited. This Court is not required to undertake a re-appreciation of evidence as an appellate Court unless the findings recorded by the Courts below are shown to be perverse, illegal or resulting in miscarriage of justice.

15. In the present case, the petitioner has admitted that the cheque belongs to his account and the signature contained therein is his signature. Once the execution of the cheque is admitted, the statutory presumptions under Sections 118(a) and 139 of the Negotiable Instruments Act arise in favour of the holder of the cheque. Such presumption includes the existence of a legally enforceable debt or liability.

16. Though the accused is entitled to rebut the statutory presumption by raising a probable defence, such defence must be supported by acceptable materials. A mere suggestion during cross-examination or a bald statement without any supporting evidence would not be sufficient to rebut the presumption.



17. In the present case, the specific defence of the petitioner is that the cheque was issued as security for a loan obtained from a finance concern at Palacode. However, no material whatsoever has been produced by the petitioner to substantiate such defence. The name of the finance concern, the alleged loan documents, repayment details or any witness connected with the said transaction have not been brought on record.

18. Further, though the statutory notice was admittedly received by the petitioner, he did not choose to issue any reply denying the alleged transaction or explaining that the cheque was issued only as security. The said conduct is certainly a relevant circumstance while appreciating the defence raised by the petitioner during trial.

19. The contention regarding the financial capacity of the complainant also does not persuade this Court. The complainant entered the witness box and subjected himself to cross-examination. Both the Courts below have considered his evidence and found the same to be reliable. The absence of income tax records or bank statements, by itself, would not demolish the statutory presumption available in favour of the complainant, particularly when the defence of the petitioner has not been probalised.

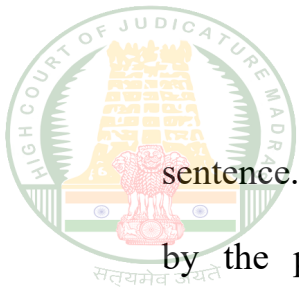


20.The decisions relied upon by the learned counsel for the petitioner reiterate the settled position that the presumption under Section 139 of the Negotiable Instruments Act is rebuttable and that the accused can discharge the burden by establishing a probable defence. However, in the present case, the petitioner has failed to place any acceptable material to rebut the statutory presumption.

21.This Court also finds that the learned Appellate Court has independently considered the evidence and confirmed the findings of the trial Court by assigning proper reasons. The concurrent findings recorded by both the Courts below are based on evidence available on record and do not suffer from any perversity or illegality warranting interference.

22.It is also relevant to record that, pending the present revision, the petitioner filed Crl.M.P.No.7763 of 2026 seeking suspension of sentence. This Court, by order dated 30.04.2026, considering the submissions made on behalf of the petitioner, suspended the sentence imposed on him subject to certain conditions.

23.One of the specific conditions imposed by this Court under Condition No.5(i) of the said order was that the petitioner shall deposit the entire cheque amount of Rs.12,00,000/- before the trial Court as a condition for suspension of

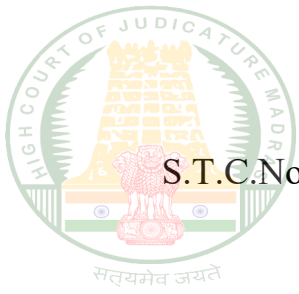


sentence. The said condition was imposed taking note of the submission made by the petitioner that he was willing to deposit the cheque amount to demonstrate his bona fides.

24.However, the petitioner has admittedly failed to comply with the said condition and has not deposited the amount as directed by this Court. Having obtained the benefit of suspension of sentence based upon his undertaking, the petitioner cannot be permitted to disregard the condition imposed by this Court. The conduct of the petitioner in not complying with Condition No.5(i) is also a relevant circumstance while considering the relief sought by him.

25.This Court, while considering the present revision, has independently examined the merits of the case and has found that the petitioner has failed to establish any ground warranting interference with the concurrent findings of the Courts below. The non-compliance of the conditional order passed in Crl.M.P.No.7763 of 2026 further disentitles the petitioner from claiming any discretionary relief.

26.In view of the foregoing discussions, this Court finds no reason to interfere with the judgment dated 11.12.2025 passed by the learned Additional Sessions Judge, Krishnagiri in C.A.No.50 of 2024 confirming the judgment dated 05.08.2024 passed by the learned Judicial Magistrate No.I, Krishnagiri in



S.T.C.No.222 of 2022.

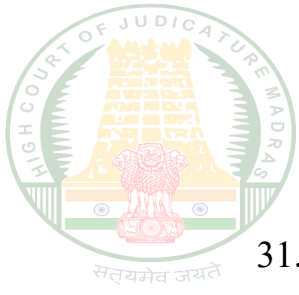
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27. Accordingly, the Criminal Revision Case stands **dismissed**. The judgment dated 11.12.2025 passed in C.A.No.50 of 2024 on the file of the learned Additional Sessions Judge, Krishnagiri, confirming the judgment dated 05.08.2024 passed in S.T.C.No.222 of 2022 on the file of the learned Judicial Magistrate No.I, Krishnagiri, is hereby **confirmed**.

28. In view of the dismissal of the revision petition and the failure of the petitioner to comply with Condition No.5(i) imposed in the order dated 30.04.2026 in Crl.M.P.No.7763 of 2026, the suspension of sentence granted by this Court shall stand **vacated**.

29. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

30. The learned Judicial Magistrate No.I, Krishnagiri, shall 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, if any.



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31.The Registry is directed to forthwith transmit a copy of this order to the learned Additional Sessions Judge, Krishnagiri and the learned Judicial Magistrate No.I, Krishnagiri, for information and necessary compliance.

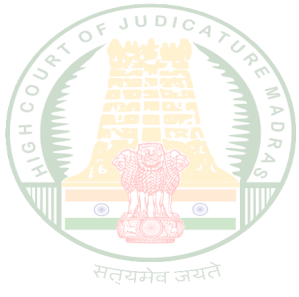
17-07-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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To

- 1.The Additional Sessions Judge, Krishnagiri.
- 2.The Judicial Magistrate No.I, Krishnagiri.
- 3.The Public Prosecutor, Madras High Court.



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SHAMIM AHMED, J.

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