



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-06-2026

CORAM

THE HON'BLE MR.JUSTICE SHAMIM AHMED

CRL RC No. 1184 of 2026

R.Loganathan
S/o. Raman,
349-A, Railway Colony,
Railway Colony Post,
Erode District-638 002.

..Petitioner(s)

Vs

C.Saravanan
S/o. Chinnusamy,
121. Gandhiji 2nd Street,
Kollampalayam,
Erode District-638 002.

..Respondent(s)

Prayer: To set aside the conviction imposed in the judgment dated 18-4-2026 made in C.A. No.80 of 2022 on the file of the Learned 1st Additional Sessions Court, Erode District confirming the judgment dated 24-5-2022 made in S.T.C. No.304 of 2018 on the file of the Learned Judicial Magistrate, Fast Track Court No.1, Magistrate Level, Erode by allowing this Criminal Revision Petition and thus render justice.

For Petitioner(s):

Mr.K.Sudhakar



ORDER

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This Criminal Revision Case has been filed praying to set aside the judgment dated 18.04.2026 passed in C.A. No. 80 of 2022 on the file of the Learned 1st Additional Sessions Court, Erode District. The said judgment confirmed the conviction and sentence dated 24.05.2022 passed in S.T.C. No. 304 of 2018 on the file of the Learned Judicial Magistrate, Fast Track Court No. 1 (Magisterial Level), Erode.

2.This Court vide order dated 11.06.2026 passed the following order which is reproduced as under:

The learned counsel for the Petitioner submits that in compliance of the order of the lower appellate court, out of the total compensation amount of Rs.2,25,000/-, the Petitioner had already deposited 20% of the compensation amount, i.e. Rs.45,000/- before the Trial Court to the credit of STC.No.304 of 2018 and that the Petitioner is now ready to deposit further 30% of the compensation amount, apart from the amount already desposited before the Trial Court. The learned counsel prays for three weeks time to deposit the said amount and to produce the deposit receipt in this regard before this Court and also prays that the application for suspension of sentence may be considered on the next date of hearing fixed.

2.Accordingly, as prayed for by the learned counsel for the Petitioner, three weeks time is allowed to the Petitioner to



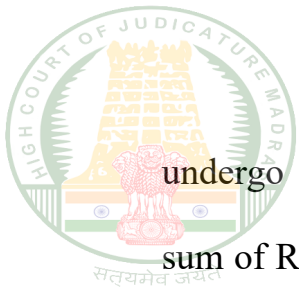
desposit further 30% of the compensation amount before the Trial Court to the credit of STC.No.304 of 2018 and produce the deposit receipt before this Court on the next date of hearing fixed.”

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2. When the matter is taken up for hearing today, the learned counsel for the petitioner submits that his client is not in a position to comply with the interim condition imposed by this Court vide order dated 11.06.2026. By the said order, at request of the learned counsel for the petitioner, the petitioner was granted three weeks time to deposit further 30% of the compensation amount before the Trial Court to the credit of STC No. 304 of 2018. The learned counsel further submits that since the condition cannot be complied with, the matter may be decided finally on its merits.

3. This Court heard the arguments advanced by the learned counsel for the petitioner and perused the entire materials available on record.

4. 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 24.05.2022 in S.T.C. No. 304 of 2018, convicted the petitioner for the offence under Section 138 of the NI Act. The petitioner was sentenced to



undergo six months simple imprisonment and directed to pay a compensation sum of Rs. 2,25,000/- (Rupees Two Lakhs Twenty-Five Thousand Only) within a period of three months, and in default, to undergo one month simple imprisonment.

5. Aggrieved by the said conviction and sentence, the petitioner preferred an appeal before the Learned 1st Additional Sessions Court, Erode District in C.A. No. 80 of 2022. In the memorandum of grounds, the petitioner contended that Exhibit P4 (Legal Notice) was not properly served upon him, making the complaint structurally unmaintainable. He further contended that there was an unexplained material alteration in the cheque, and that the complainant failed to demonstrate his financial capacity to lend the massive sum of Rs. 2,25,000/-. The petitioner argued that he successfully rebutted the statutory presumption through the cross-examination of PW1, relying on the settled legal position in ***Rangappa Vs. Sri Mohan*** reported in ***(2010) 11 SCC 441***. However, the learned Appellate Court, after reassessing the entire evidence and hearing both sides, dismissed the appeal vide judgment dated 18.04.2026, thereby confirming the judgment passed by the Trial Court.

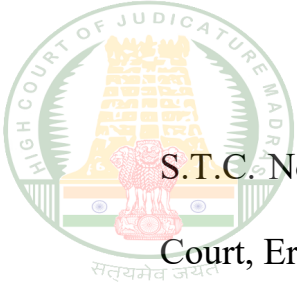
6. This Court has carefully considered the grounds raised by the petitioner and perused the judgments passed by both the courts below. A concurrent finding of fact has been arrived at by both the Trial Court and the Appellate



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 contentions regarding the non-service of legal notice (Ex.P4) and the material alteration in the cheque were duly considered and rightly rejected by the courts below based on the evidence available on record.

7. Furthermore, on a specific request made by the learned counsel for the petitioner, this Court had passed an equitable conditional order on 11.06.2026 directing a deposit of 30% 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.

8. Accordingly, this Criminal Revision Case is **dismissed**. The judgments passed by the Learned Judicial Magistrate, Fast Track Court No. 1, Erode in



S.T.C. No. 304 of 2018 and confirmed by the Learned 1st Additional Sessions Court, Erode in C.A. No. 80 of 2022 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.

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

30-06-2026

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

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To

1.The 1st Additional Sessions Court, Erode.

2.The Learned Judicial Magistrate, Fast Track Court No.1,
Magistrate Level, Erode



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SHAMIM AHMED, J.

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