



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-07-2026

CORAM

THE HON'BLE MR.JUSTICE SHAMIM AHMED

CRL RC No. 731 of 2026

1. M/s. R.D.Construction
Rep. by its Prop. S.Srinivasan,
No. 15/5, Bharathi Street,
Choolaimedu,
Chennai -600 094.

2. S.Srinivasan
Prop. M/s. R.D.Construction,
S/o.Seetharaman,
No. 15/5, Bharathi Street,
Choolaimedu,
Chennai -600 094.

..Petitioner(s)

Vs

D.Balaji

..Respondent(s)

PRAYER – This Criminal Revision Petition is filed under Section 438 r/w Section 442 of BNSS, to set aside the judgment in CrI.A.No. 28/2025, dated 26.11.2025 of XVII Additional City Civil Court, Chennai confirming the judgment and sentence in C.C.No. 3298/2021 on the file of Learned Metropolitan Magistrate, Fast Track Court -III, Saidapet, Chennai dated 09.12.2024 and call for the records and acquit the petitioners from the charges.

For Petitioner(s):

Ms.K.SELVAPRIYA
FOR Mr.V.Saravana Rengan

ORDER

This Criminal Revision Case has been filed praying to set aside the judgment dated 26.11.2025 passed in C.A. No. 28 of 2025 on the file of the



XVII Additional City Civil Court, Chennai. The said judgment confirmed the conviction and sentence dated 09.12.2024 passed in C.C.No.3298 of 2021 on the file of the Metropolitan Magistrate, Fast Track Court -III, Saidapet, Chennai

2.This Court vide order dated 29.06.2026 passed the following order which is reproduced as under:

“Learned counsel for the petitioners moved a petition for extension of time to comply with the order dated 27.03.2026 made in Crl.M.P.Nos.5580 and 5581 of 2026 in Crl.R.C.No.731 of 2026.

2.He further submitted that the order in condition No.5 (I) will be complied within a period ten days from today without fail. He further submitted that if the said condition is not complied with by the petitioner, this Court may dismiss this petition.

3.In view of the above submission, one last opportunity is given to the petitioner to make compliance of the condition No.5(i) of the order dated 27.03.2026 within a period of ten days from today.

4.Accordingly, this petition is disposed of.

5.Put up this case ‘for final orders’ on 16.07.2026.”

3.When the matter is taken up for hearing today, the learned counsel for the petitioners submits that her clients are not in a position to comply with the interim condition imposed by this Court vide order dated 29.06.2026. By the said order, at request of the learned counsel for the petitioners, the petitioners were granted ten days further time to deposit 50% of the cheque amount before



the Trial Court to the credit of CC No.3928 of 2021. The learned counsel further submits that since the condition cannot be complied with, the matter may be decided finally on its merits.

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

5.The brief facts leading to the filing of this revision petitions are that the respondent/complainant initiated proceedings against the petitioners 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 09.12.2024 in C.C. No.3298 of 2021, convicted the petitioners for the offence under Section 138 of the NI Act. The petitioners were sentenced to undergo four months simple imprisonment and directed to pay a compensation sum of Rs.7,00,000/- (Rupees Seven Lakhs Only) and in default, to undergo simple imprisonment for a period of one month.

6.Aggrieved by the said conviction and sentence, the petitioners preferred an appeal before the XVII Additional City Civil Court, Chennai in C.A. No. 28 of 2025. In the memorandum of grounds, the petitioners contended that both the Courts below failed to properly appreciate the evidence and the probable defence of the petitioners. It is contended that the cheque was issued as security



in connection with a transaction between the complainant's wife and the petitioners, and that there was no legally enforceable debt or liability to the extent claimed in the complaint. The learned counsel would further contend that the statutory presumptions under Sections 118(a) and 139 of the Negotiable Instruments Act stood rebutted on the basis of the materials available on record and that the Courts below mechanically recorded the conviction without properly considering the contradictions in the evidence and documents.

7.This Court has carefully considered the grounds raised by the petitioners and perused the judgments passed by both the courts below. A concurrent finding of facts 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.

8.Furthermore, on a specific request made by the learned counsel for the petitioners, this Court had passed an equitable conditional order on 27.03.2026 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 petitioners are unable to pay, clearly demonstrates that the petitioners are 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.

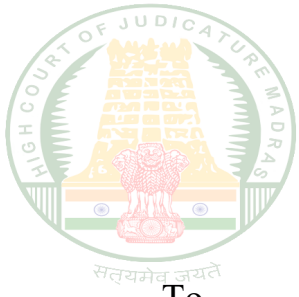
9. Accordingly, this Criminal Revision Case is **dismissed**. The judgments passed by the Metropolitan Magistrate, Fast Track Court III, Saidapet, Chennai, in C.C.No.3928 of 2021 and confirmed by the XVII Additional City Civil Court, Chennai, in C.A. No.28 of 2025 stand confirmed. There shall be no order as to costs. The courts below are directed to take immediate and appropriate steps in accordance with law to secure the presence of the petitioners/accused to undergo the remaining period of sentence and to recover the compensation amount.

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



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SHAMIM AHMED J.

GSA

To
WEB COPY

- 1.The Public Prosecutor,
Madras High Court.
- 2.The XVII Additional Judge,
City Civil Court,
Chennai.
- 3.The Metropolitan Magistrate,
Fast Track Court III, Saidapet, Chennai.

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