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Crl.R.C.No.612 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2025

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.R.C.No.612 of 2022

R.Sadasivam

.. Petitioner

Versus

M.Pongaliappan

.. Respondent

Prayer: Criminal Revision Case is filed under Section 397 and 401 of Cr.P.C., to call for the records and pleaded to set aside the conviction order passed in C.A.No.55 of 2019, dated 05.10.2021, on the file of the learned II Additional District and Sessions Judge at Tiruppur, and confirmed the conviction order passed in C.C.No.304 of 2010, dated 26.04.2019, on the file of the Judicial Magistrate Court, Avinashi.

For Petitioner : Mr.G.Shanmugam

**For Respondent : M/s.Sureka,
for Mr.V.Vijayakumar**



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ORDER

This Criminal Revision Case is directed against the judgment of the learned II Additional District and Sessions Judge, Tiruppur, dated 05.10.2021 made in C.A.No.55 of 2019, thereby, confirming the conviction and sentence imposed on the petitioner/accused vide judgment in C.C.No.304 of 2010. By the judgment in C.C.No.304 of 2010, the learned Judicial Magistrate, Avinashi had convicted the petitioner for the offence under Section 138 of the Negotiable Instruments Act, 1881 and imposed a sentence of two years Simple Imprisonment and a fine of Rs.1,000/- and also directed the payment of the cheque amount being Rs.17,87,625/- as compensation.

2. Pending this Revision Case, it seems that the petitioner/accused and the respondent/complainant negotiated out of Court and the respondent/complainant has executed a receipt stating that he received amount from the petitioner/accused towards full satisfaction of the Criminal Appeal in Crl.R.C.No.612 of 2022 before this Court. The said receipt was produced and the matter was sought to be closed. At that time, since no amount was mentioned in the receipt and since the learned Counsel for the



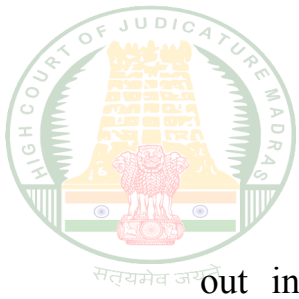
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respondent/complainant also did not have direct instructions from the complainant, this Court, by the order, dated 28.04.2025, directed the Deputy Superintendent of Police, Avinashi to conduct an enquiry and submit a report.

3. Pursuant thereto, the Deputy Superintendent of Police, Avinashi had conducted an enquiry. In his enquiry, the complainant had stated that it is true that there were negotiation talks and the entire cheque amount of Rs.17,87,625/- was received and that he executed the said receipt. However, as per the negotiation held between them in the presence of panchayatdars, another sum of Rs.5,00,000/- has to be paid by the petitioner/accused to him. Today also, the respondent/complainant has not instructed his learned Counsel before this Court in that regard. The learned Counsel for the petitioner/accused submits that she has no direct contact with the complainant.

4. In view thereof, since, in the enquiry, the respondent/complainant accepted that he has received the amount from the petitioner/accused towards the full and final satisfaction of Crl.R.C.No.612 of 2022 and it turns



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out in the enquiry that the entire cheque amount is received by the respondent/complainant and in the circumstances, where the respondent/complainant is not turning up before this Court or instructing the learned Counsel to agree for a compromise, I am of the view that interest of justice would be best served in view of the above facts to modify the punishment as to one relating to the fine of the cheque amount alone. The fact that already cheque amount, being Rs.17,87,625/- is paid is recorded. The other sum of Rs.1,000/-, imposed as fine, is also paid. Therefore, the sentence of imprisonment, imposed vide the judgment, dated 26.04.2019 in C.C.No.304 of 2010 and confirmed in the judgment, dated 05.10.2021 in Crl.A.No.55 of 2019 alone stands set aside.

5. This Criminal Revision Case is allowed in part accordingly.

06.06.2025

Neutral Citation : no
grs

To

1. The II Additional District and Sessions Judge,
Tiruppur.



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Avinashi.



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D.BHARATHA CHAKRAVARTHY, J.,

grs

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