



*Crl.R.C.No.207 of 2025*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED: 23.06.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.R.C.No.207 of 2025

Kuppulakshmi

... Petitioner

Vs.

P.S.Deivaraj

... Respondent

**PRAYER:** Criminal Revision has been filed under Sections 438 r/w 442 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying to call for the records and set aside the order passed by the learned II Additional District and Sessions Judge, Tiruchengode in Crl.A.No.59 of 2024 dated 18.12.2024 confirming the sentence passed by the learned Judicial Magistrate (F.T.C.) Tiruchengode in S.T.C.No.146 of 2019 dated 31.01.2024 against the petitioner.

For Petitioner : Mr.F.Welligton

For Respondent : Mr.C.S.Saravanan

**ORDER**

This Criminal Revision Case has been preferred against the judgment dated 18.12.2024, passed by the learned II Additional District and Sessions Judge, Tiruchengode, in Crl.A.No.59 of 2024, confirming the conviction and sentence imposed on the petitioner dated 31.01.2024, passed by



*Crl.R.C.No.207 of 2025*

the learned Judicial Magistrate (F.T.C.) Tiruchengode, in S.T.C.No.146 of 2019, thereby convicting the petitioner for the offence punishable under Section 138 of the Negotiable Instruments Act (hereinafter referred to as “the NI Act”)

2. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3. The learned counsel appearing for the petitioner submitted that this Court, by an order dated 31.01.2025, suspended the sentence imposed on the petitioner and also exempted him from surrendering in Crl.M.P.Nos.1556 & 1557 of 2025, on condition that the petitioner shall deposit the entire cheque amount within a period of four weeks. Though the petitioner had taken the demand draft and handed over to the counsel, who appeared on behalf of the petitioner before the trial Court, the said Counsel failed to deposit the said demand draft in S.T.C.No.146 of 2019. Therefore, the petitioner was arrested and remanded to judicial custody on 20.06.2025. Now the petitioner had taken fresh demand draft for a sum of Rs.4,41,450/- in favour of the respondent and produced before this Court. He further submitted that at the time of suspending the sentence in the appeal, the first appellate Court imposed condition that the



*CrI.R.C.No.207 of 2025*

petitioner shall deposit 10% of the cheque amount. Accordingly, the petitioner had deposited 10% of the cheque amount to the credit of the trial Court and it is lying with the credit of S.T.C.No.146 of 2019 on the file of the learned Judicial Magistrate, F.T.C., Thiruchengode.

4. The learned counsel appearing for the respondent also submitted that he is ready and willing to receive the Demand Draft for a sum of Rs.4,41,450/- and he has no objection to set aside the conviction and sentence imposed by the trial Court.

5. Considering the above submissions, the conviction and sentence imposed on the petitioner cannot be sustained and liable to be dismissed. Accordingly, judgment dated 18.12.2024, passed by the learned II Additional District and Sessions Judge, Tiruchengode, in CrI.A.No.59 of 2024, and the judgment dated 31.01.2024, passed by the learned Judicial Magistrate (F.T.C.) Tiruchengode, in S.T.C.No.146 of 2019 are hereby set aside. The petitioner is acquitted from all the charges under Section 138 of the NI Act and set liberty forthwith. The bail bond, if any executed by the petitioner, shall stand cancelled. The second respondent is permitted to withdraw the amount which is lying in the credit of the S.T.C.No.146 of 2019 on the file of the learned



*Crl.R.C.No.207 of 2025*

Judicial Magistrate, F.T.C., Thiruchengode, in accordance with law. It is made

WEB COPY

clear that the trial Court is directed to permit the respondent to withdraw the amount lying in the credit of S.T.C.No.146 of 2019 without issuance of notice to the petitioner.

6. In the result, this Criminal Revision Case stands allowed.

23.06.2025

Index : Yes/No  
Neutral citation : Yes/No  
Speaking/non-speaking order

*Note :- Issue order copy today  
ie., on 23.06.2025*

rts



*CrI.R.C.No.207 of 2025*

WEB COPY

To

1.The II Additional District and Sessions Judge,  
Tiruchengode

2.The Judicial Magistrate (F.T.C.),  
Tiruchengode

3.The Superintendent,  
Women Central Prison,  
Coimbatore.



WEB COPY



*Crl.R.C.No.207 of 2025*

**G.K.ILANTHIRAIYAN. J,**

rts

Crl.R.C.No.207 of 2025

23.06.2025