



Crl.R.C.No.495 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated: 23.07.2025

Coram:

THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.R.C.No.495 of 2024 &
Crl.M.P.Nos.4727 and 4729 of 2024

1. M/s Kunaal Auto Solution,
rep. by Mrs.R.Yuvanthi, Partner,
No.B-13, Ambattur Industrial Estate,
1st Main Road, Chennai

2. R.Yuvanthi

...Petitioners

Vs.

Kishore Hotchand HUF
rep. by Kishore Kumar
No.4B, Shah Enclave New No.11,
Gajapathi Road, Kilpauk,
Chennai-600 010

...Respondent

Prayer:

Criminal Revision filed under Sections 397 & 401 of Criminal Procedure Code as against the Judgment of the learned XXIII Additional Judge, City Civil Court, Chennai in Crl.Appeal No.212 of 2023 dated 01.11.2023 confirming the conviction imposed by the learned Metropolitan Magistrate, FTC-IV, George Town, Chennai in C.C.No.1962 of 2018 by a Judgment dated 21.03.2023

For Petitioners : Mr.R.Parthiban

For Respondent : Ms.P.A.Lavanya for
Mr.Parthiban



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ORDER

This Criminal Revision has been preferred as against the Judgment passed in Crl.A.No.212 of 2023 dated 01.11.2023 on the file of the learned XXIII Additional Judge, City Civil Court, Chennai, thereby confirming the order of conviction imposed in C.C.No.1962 of 2018 dated 21.03.2023 by the learned Metropolitan Magistrate, FTC-IV, George Town, Chennai, for the offence punishable under Section 138 of Negotiable Instruments Act.

2. The petitioner is the accused on the complaint lodged by the respondent for the offence punishable under Section 138 of Negotiable Instruments Act. The respondent lodged a complaint alleging that the petitioner borrowed a sum of Rs.1,20,000/- and in order to repay the said amount, the petitioner issued a cheque. When it was presented for collection, it was returned dishonoured for the reason 'insufficient funds'. After causing statutory notice, the respondent lodged a complaint and it was taken cognizance by the trial court. The respondent had examined P.W.1 and marked exhibits Ex.P.1 to P.9 and on the side of the petitioners, no one was examined and marked exhibit Ex.D.1. On perusal of the oral and documentary evidence, the petitioners were found guilty for the offence



punishable under Section 138 of Negotiable Instruments Act and sentenced the 1st accused to pay a fine of Rs.90,000/-, in default, the 2nd accused, who is the partner of the 1st accused was directed to undergo a simple imprisonment for a period of three months, further the 2nd accused is convicted and sentenced to undergo a simple imprisonment of three months and the 2nd accused was sentenced to pay a compensation of Rs.30,000/- to the complainant within a period of one month. Aggrieved by the same, the petitioners, preferred an appeal and the appellate court confirmed the conviction and sentence imposed by the trial court and dismissed the appeal. As against the same, the present Revision has been preferred.

3. The learned counsel for the petitioners would submit that the petitioners are ready and willing to pay the fine of cheque amount directly to the respondent within a period of four weeks. He further submitted that already the petitioners have deposited 20% of the cheque amount to the credit of the trial court, thereby pleaded to allow the present Revision.

4. Per contra, the learned counsel for the respondent also submitted that the respondent is ready and willing to receive the cheque amount alone and has no



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objection to set aside the conviction and sentence imposed by the trial court and

confirmed by the appellate court.

5. Heard the learned counsels on either side and perused the documents placed on record carefully.

6. In view of the above, the order of conviction and sentence imposed by the trial court in C.C.No.1962 of 2018 dated 21.03.2023 and confirmed by the appellate court in Crl.A.No.212 of 2023 dated 01.11.2023 are set aside, on condition that the petitioners shall pay the entire cheque amount, after deducting the amount deposited before the trial court, if any, within a period of four weeks from today and shall produce the due receipt before the trial court on or before 25.08.2025 , failing which, the conviction and sentence imposed by the trial court shall stand automatically restored. Further, the respondent is at liberty to take appropriate steps to secure the petitioners to undergo the period of sentence imposed by the trial court and confirmed by the appellate court.



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Accordingly, the present Criminal Revision is allowed. Consequently,

connected miscellaneous petitions are closed.

23.07.2025

Index : Yes / No
Internet : Yes / No
Speaking Order / Non Speaking Order
ssd

To

1. The XXIII Additional Judge,
City Civil Court, Chennai
2. The learned Metropolitan Magistrate,
FTC No.IV, George Town, Chennai
3. The Public Prosecutor,
High court, Madras



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G.K.ILANTHIRAIYAN, J.

ssd

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