



Crl.R.C.No.319 of 2021

nTHE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.07.2025

CORAM :

The Hon'ble MR.JUSTICE D.BHARATHA CHAKRAVARTHY

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Chandrasekar

.. Petitioner

-VS-

M/s.Blue Star Creators,
Rep. by its Proprietor K.Varadharajan
No.15, 1D Pappan Thottam (West),
Pappampati, Vagarayampalayam,
Karumathampatti (Via),
Coimbatore 641 659.

.. Respondent

Revision Case filed under Section 397 and 401 of Criminal Procedure Code to set aside the Judgment and conviction dated 08.12.2020 made in C.A.No.371 of 2019 on the file of I Additional District and Sessions Judge, Coimbatore, modifying the judgment and conviction dated 15.10.2019 made in C.C.No.284 of 2017 on the file of Judicial Magistrate, Fast Track No.II, Coimbatore.

For Petitioner : Mr.C.S.Saravanan

For Respondent : Mr.Ma.Pa.Thangavel

* * * * *



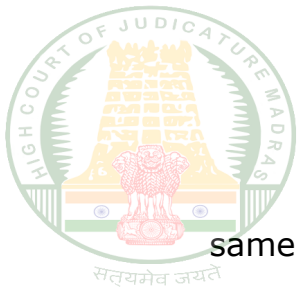
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ORDER

This criminal revision is filed by the petitioner/accused to set aside the judgment dated 08.12.2020 made in C.A.No.371 of 2019 on the file of I Additional District and Sessions Judge, Coimbatore, confirming the judgment of conviction for the offence under Section 138 of the Negotiable Instruments Act, made in C.C.No.284 of 2017 on the file of Judicial Magistrate, Fast Track Court No.2, Coimbatore. As a matter of fact, while confirming the judgment of the trial Court, the sentence of imprisonment has been partly modified by reducing the same from six months to three months.

2. The case of the respondent/complainant is that the complainant had paid through banking channels to the account of the accused a total sum of Rs.14,50,000/- towards supply of iron rods. After receiving the said amount, goods for a sum of Rs.9,29,075/- alone were supplied. The accused, towards the liability to repay the balance amount of Rs.5,20,924, issued a cheque dated 15.07.2016 for Rs.2,20,924/- and another cheque dated 05.08.2016 for a sum of Rs.3,00,000/-. Upon presenting the said cheques for collection, the



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same returned dishonoured with the endorsement "account blocked".

Thereafter, the complainant issued a demand notice. Since there was neither any reply nor payment, the complaint was filed. Upon the complaint being taken on file, summons was issued and the accused appeared and denied the charges and stood trial.

3. In order to prove the allegations, the complainant examined himself as P.W.1 and marked Exs.P.1 to P.8. Upon being questioned under Section 313 of the Code of Criminal Procedure, the accused denied the evidence as false. No evidence was let in on the side of the defence. The trial Court proceeded to hear the learned counsel on both sides and found that the complainant has proved the case beyond reasonable doubt that the cheques were issued in discharge of liability and rejected the case of the defence that the cheques were obtained by force at the police station and accordingly, convicted the accused and directed the payment of a sum due under the first cheque, that is, Rs.2,20,924/- with 6% further interest to be deposited as compensation and also imposed a sentence of simple imprisonment for a period of six months. Aggrieved thereby, the petitioner/accused filed C.A.No.371 of 2019. The learned I Additional District Judge, Coimbatore, after re-appraising the evidence and considering the case



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of the parties, confirmed the conviction, however, reduced the sentence of simple imprisonment from six months to three months.

4. Heard Mr.C.S.Saravanan, learned counsel for the petitioner/accused. The learned counsel would submit that when the accused has proved to the level of pre-ponderance of probability through the cross-examination of the complainant that the cheques were obtained at the police station, the trial Court ought to have seen that there is not any voluntary action of issuing the cheques, especially when the account itself was blocked and therefore, ought not to have convicted the accused for the offences.

5. Per contra, Mr.Ma.Pa.Thangavel, learned counsel appearing for the respondent/complainant, would submit that the Courts below have rightly convicted the accused upon due appreciation of evidence and there is nothing for this Court to interfere in exercise of revisional jurisdiction.

6. I have considered the rival submissions made on either side and perused the material records of this case.

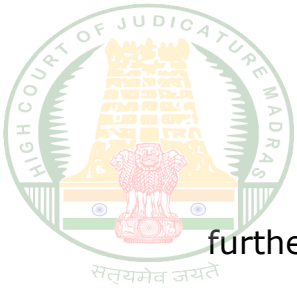


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7. It can be seen that the invoices pursuant to which the complainant is said to have paid the amount, were marked as Exs.P.1 and P.2. Though it is true that a complaint was lodged before Karumathampatti police station and it can be seen that the parties, during the course of the enquiry, had resolved to settle the matter between themselves and the cheques have been issued in respect of the balance amount, when there is *prima facie* proof that the payment of money has been made through banking channels and it is proved beyond doubt that the iron rods worth Rs.9,29,075/- only were supplied on the part of the respondent/accused, the entire transaction liability is proved beyond any doubt. Except for raising a feeble defence that the cheques were forcibly obtained, no other material is put forth by the respondent/accused that the cheques are mis-used or that the amount is not payable. Therefore, I am of the view that the conviction shall sustain.

8. Considering the nature of sentence, I am of the view that the respondent/accused can first be directed to pay the cheque amount alone. In this regard, it can be seen that the trial Court ordered to pay the cheque amount in respect of one cheque alone with 6% interest, however, omitted to consider in respect of the second cheque. No



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further steps were taken by the respondent/complainant also in that regard. In view thereof, the sentence is modified as follows:

- 1) The petitioner/accused is directed to comply with the direction that is issued by the trial Court with reference to compensation, that is, to pay a sum of Rs.2,20,924/- (Rupees two lakhs twenty thousand nine hundred twenty four only) with 6% interest per annum till the date of payment.
- 2) The said amount shall be paid within a period of 60 days from the date of receipt of a web copy of the order.
- 3) If the amount remains unpaid, then steps be taken to commit the petitioner to prison to undergo the simple imprisonment for a period of three months as ordered by the trial Court.

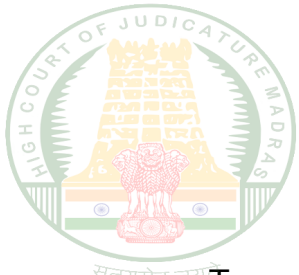
With the above modification, the revision is disposed of.

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Neutral Citation: Yes/No

sra

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To
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1. The I Additional District and Sessions Judge,
Coimbatore.
2. The Judicial Magistrate,
Fast Track Court No.2, Coimbatore.
3. The Public Prosecutor,
Madras High Court, Chennai.



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D.Bharatha Chakravarthy, J.

(sra)

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