



Crl.R.C.No.188 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.07.2025

CORAM :

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

Crl.R.C.No.188 of 2024

and

Crl.M.P.Nos.1575 & 1577 of 2024

K.Nallusamy

... Petitioner

Vs.

P.Balasubramaniaym

... Respondent

Prayer : Criminal Revision Case filed under Section 397 and 401 of Cr.P.C., pleaded to set aside the conviction imposed in the judgment dated 30.11.2023 made in C.A.No.88 of 2022 on the file of the learned I Additional Sessions Judge, Namakkal, confirming the conviction imposed in judgment dated 10.10.2022 made in C.C.No.635 of 2021 on the file of the learned Judicial Magistrate, Additional Mahila Court, Namakkal by allowing this Revision.

For Petitioner : Mr.M.Guruprasad

For Respondent : Mr.S.Senthil

ORDER

This Criminal Revision Case has been preferred against the judgment dated 30.11.2023 passed in Crl.A.No.88 of 2022 by the learned I Additional Sessions Judge, Namakkal, confirming the conviction and



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10.10.2022 sentence u/s 138 of Negotiable Instruments Act imposed vide order dated 10.10.2022 passed in C.C.No.635 of 2021 by the learned Judicial Magistrate, Additional Mahila Court, Namakkal.

2. The petitioner is the accused in the complaint lodged by the respondent for the offence punishable under Section 138 of Negotiable Instruments Act (in short 'the NI Act') alleging that the respondent and the petitioner are family friends and on 15.11.2019, the petitioner borrowed a sum of Rs.9,00,000/- as hand loan in the presence of one Ponnusamy S/o.Rangasamy. On the same day, he issued a cheque bearing No.009628 dated 02.06.2020 drawn on Bank of Maharashtra, Namakkal Branch for a sum of Rs.9,00,000/-. When the said cheque was presented on 23.06.2020 for collection, the same was returned on 25.06.2020 with an endorsement "Funds Insufficient". Against the said dishonour, the respondent sent the legal notice dated 01.07.2020. In spite of the service of notice on 03.07.2020, the petitioner has neither come forward to repay the said amount nor sent any reply to the said notice. Hence, the respondent has filed a complaint u/s 138 of NI Act on the file of Judicial Magistrate, Additional Mahila Court, Namakkal in C.C.No.635 of 2021.



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3. After elaborate discussions, the trial court convicted the petitioner u/s 138 of the N.I. Act and sentenced him to undergo simple imprisonment for one year and ordered to pay compensation of Rs.9,00,000/- to the respondent vide order dated 10.10.2022. Challenging the same, the petitioner has filed an appeal in Criminal Appeal No.88 of 2022 before the learned I Additional Sessions Judge, Namakkal and the learned Sessions Judge, vide judgment dated 30.11.2023, dismissed the appeal by confirming the conviction and sentence passed by the learned Judicial Magistrate, Additional Mahila Court, Namakkal. Aggrieved by the same, the present revision is filed.

4. When the matter was taken up for hearing today, the learned counsel for the petitioner submitted that, during the pendency of this revision, the parties have arrived at a settlement and decided to settle the issue for Rs.8,00,000/- out of the total cheque amount of Rs.9,00,000/-. In the above said agreed amount, the petitioner had deposited a sum of Rs.5,47,752.50/- to the credit of C.C.No.635 of 2021 while filing the appeal before the appellate court and as per the order passed by this Court and the same may be disbursed in favour of the respondent. Insofar



as the remaining amount, he has sought for four (4) weeks time to settle the same.

5. The learned counsel for the respondent, on instructions, would submit that the respondent has agreed to receive the agreed amount of Rs.8,00,000/- as offered by the petitioner and he has no objection to set aside the conviction and sentence imposed by the Trial Court and confirmed by the Appellate Court.

6. It is seen that there was an amicable settlement in between the parties and agreed to settle the issue for Rs.8,00,000/-, out of which, the petitioner had already deposited a sum of Rs.5,47,752.50/- before the Trial Court. Insofar as the remaining amount is concerned, the petitioner has sought for four weeks time period to settle the same. In view of the settlement arrived at between the parties, the conviction and sentence imposed on the petitioner/accused by the Trial Court in C.C.No.635 of 2021 and confirmed by the appellate court in C.A.No.88 of 2022 are set aside and the revision petitioner/accused is acquitted from all the charges levelled against him.



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7. Accordingly, the Criminal Revision Case is allowed on condition that the petitioner shall pay the remaining amount as per the settlement arrived between the parties to the tune of Rs.2,52,257.50/- directly to the respondent on or before 28.07.2025. It is made clear that if the petitioner fails to make the payment within the prescribed time, the conviction and sentence imposed by the Trial Court and confirmed by the Appellate Court shall automatically stand restored and the jurisdictional police is at liberty to take steps to secure the petitioner in the manner known to law to comply the judgment of the Trial Court as well as the Appellate Court. Further, the Trial Court is directed to permit the respondent to withdraw the amount which was already deposited by the petitioner to the tune of Rs.5,47,752.50/- before the Trial Court, without ordering any notice to the petitioner herein. Consequently, the connected miscellaneous petitions are closed.

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Index : Yes / No
Speaking order / Non-speaking order
NCC : Yes / No
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G.K.ILANTHIRAIYAN, J.

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To

- 1.The I Additional Sessions Judge, Namakkal.
- 2.The Judicial Magistrate, Additional Mahila Court, Namakkal.

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