



Crl.RC.No.352 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2025

CORAM:

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

Crl.RC.No.352 of 2023

Vaijayanthimala

... Petitioner

Vs.

P.S.Seetharaman

... Respondent

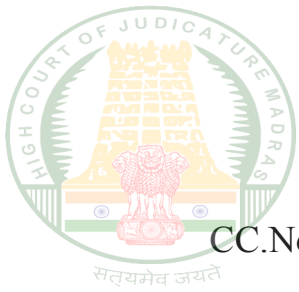
PRAYER: Criminal Revision filed under Sections 397 & 401 of Cr.P.C., praying to call for records in Crl.A.No.243 of 2019 on the file of the XIX Additional Sessions Judge, Chennai dated 01.12.2022 conforming the conviction and simple imprisonment and to pay double the amount of the cheque as compensation under Section 357(3) of Cr.P.C. to the complainant imposed by the learned Magistrate Fast Track Court-3 at Saidapet, Chennai in CC.No.5190 of 2015 dated 09.04.2019 and set aside the same and acquit the petitioner herein.

For Petitioner : Mr.P.Jesus Moris Ravi

For Respondent : Mr.N.Pragasam

JUDGMENT

This criminal revision case has been filed against the judgment passed in Crl.A.No.243 of 2019 on the file of the XIX Additional Sessions Judge, Chennai, confirming the judgment passed in



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CC.No.5190 of 2015 on the file of the learned Magistrate Fast Track

WEB COURT-3 at Saidapet, Chennai, thereby the petitioner was convicted and sentenced for the offence punishable under Section 138 of NI Act.

2. The petitioner is the accused in the complaint lodged by the respondent for the offence punishable under Section 138 of NI Act alleging that the petitioner leased out the premises owned by the respondent for commercial purpose. i.e. to run an IAS coaching centre for the monthly rent of Rs.75,000/-. Further, he agreed to increase the rent to Rs.1,00,000/- per month from January 2015. However, the petitioner committed default in payment of rent and on repeated request, towards discharge of the said liability, the petitioner issued cheque for the arrears of rent. The same was presented for collection. However, it was returned dishonoured for the reason 'funds insufficient'. After causing statutory notice, the respondent filed complaint.

3. On the side of the respondent, he had examined himself as PW1 and marked Ex.P1 to P4. On the side of the petitioner, no one was examined and no documents were marked. On perusal of oral and documentary evidences, the trial court found the petitioner guilty for the



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offence punishable under Section 138 of NI Act and sentenced him to undergo simple imprisonment for six months and also ordered to pay double the amount of the cheque as compensation. Aggrieved by the same, the petitioner preferred appeal and the same was also dismissed and the order of conviction and sentence imposed by the trial court was confirmed. Hence, the present revision.

4. The learned counsel for the petitioner would submit that there was no income in the coaching centre run by the petitioner and no students were admitted for coaching during the months of October and November 2014. That apart, already a sum of Rs.50,000/- was received as advance from the petitioner. However, without adjusting the same, the respondent presented the cheque which was issued for security purpose and the same got bounced and therefore a complaint was filed. Without considering the above facts and circumstances, the trial court convicted the petitioner. He further submitted that the petitioner is also ready and willing to settle the amount to the respondent.

5. However, the learned counsel for the respondent would submit that the petitioner dragged this issue from the year 2015. Now the



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petitioner comes forward to settle the matter with the respondent.

Therefore, the respondent is not agreeing for any settlement and wants to proceed with the case. He further submitted that admittedly there was rental arrear and towards the rental arrear, the petitioner issued cheque and it was categorically admitted by the petitioner and as such, the respondent proved the case. Therefore, the trial court rightly convicted the petitioner and it does not warrant any interference by this Court.

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

7. Admittedly, the petitioner is a tenant under the respondent to run an IAS coaching centre in the premises owned by the respondent for the monthly rent of Rs.75,000/-. Though the petitioner agreed to increase the rent to the tune of Rs.1,00,000/- from the month of January 2015, the petitioner was in arrears of rent. Therefore, towards payment of arrears of rent, the petitioner issued cheque for a sum of Rs.75,000/-. However, it was returned dishonoured for the reason 'funds insufficient'. Therefore, the respondent discharged his initial burden as contemplated under Section 138 of NI Act. However, rebutting the presumption arising under



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Sections 118 and 139 of NI Act, the respondent did not even adduce any evidence and failed to produce any documentary evidence. Therefore, both the courts rightly convicted the petitioner and this Court finds no merits in this criminal revision case.

8. Accordingly, this criminal revision case is dismissed.

12.06.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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G.K.ILANTHIRAIYAN, J.

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To

- 1.The XIX Additional Sessions Judge, Chennai
- 2.The learned Magistrate Fast Track Court-3 at Saidapet, Chennai

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