



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-12-2025

CORAM

THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL RC Nos. 243 and 244 of 2013

P.Subramani
S/o.Peddanna,
No.2/1477, Avalapalli P6, Basthi,
Hosur Town and Taluk,
Krishnagiri District.

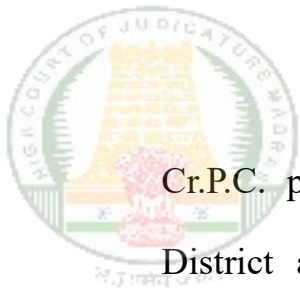
Petitioner/Accused
in both revisions

Vs

M/s.Sree Gokulam Chits & Finance
Company Pvt. Ltd.,
Rep by its Assistant Manager,
P.Radhakrishnan,
Hosur Branch,
Krishnagiri District.

Respondent/Complainant
in both revisions

Common Prayer: Criminal Revision Cases filed under Sections 397 r/w 401 of



Cr.P.C. praying to set aside the judgment passed by the learned Principal District and Sessions Judge, Krishnagiri in C.A.Nos.50 and 51 of 2012, respectively, dated 24.01.2013 confirming the judgment passed by the learned Judicial Magistrate, Fast Track Court, Hosur in S.T.C.No.24 and 32 of 2011, respectively, dated 23.07.2012 by allowing these revisions.

For Petitioner : Mr.G.M.Ananthakumar
in both cases

For Respondent : Mr.R.Tamizharasan
in both cases for Mr.L.Rajasekar

COMMON ORDER

This Court, on 25.11.2025, had passed the following order:

“The petitioner was convicted by the trial Court for offence under Section 138 of the Negotiable Instruments Act on the complaint given by the respondent for being a defaulter in payment of the chit amount to the respondent/chit company. Aggrieved by the said conviction, the petitioner preferred an appeal before the Sessions Court and the Sessions Court confirmed the conviction of the trial Court, against which, the present revisions have been filed.

2. Today, there is no representation for the petitioner.



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3. On the previous hearing date, i.e., on 12.11.2025, the petitioner paid the entire cheque amount of Rs.72,023/- and Rs.12,90,593 by way of Demand Draft and the same was received by the respondent's counsel one Mr.Tamizharasan. At that time, the learned counsel for the respondent agreed to cancel the MOD. On that understanding the amount was paid by way of Demand Draft. Now the learned counsel for the respondent/complainant submits that the petitioner has yet another due to the respondent-chit company to the tune of Rs.28 lakhs and the MOD is covering that chit amount also. For the first time such plea is taken.

4. The learned counsel for the respondent fairly submitted that he is holding the Demand Drafts and not encashed the same.

5. In view of the above, the respondent-chit company is directed to file an affidavit giving details about the MOD as to whether it covers other dues also.

6. Post these cases on 28.11.2025 under the caption 'For Orders'."

2.In continuation and conjunction to the earlier order passed by this Court on 25.11.2025, today the respondent-chit company represented by Vice Chairman Mr.V.C.Praveen had filed an affidavit in both cases, which are



identical and one and the same. The affidavits of the respondent reads as follows:

“I, V.C. PRAVEEN, son of Padmanabhan, Hindu, aged about 53 years, having his office No: 66, Arcot Road, Kodambakkam, Chennai 600 024, do hereby solemnly affirm and sincerely state as follows:

1. I state that I am the Vice Chairman of the Respondent Company herein. I state that I am fully acquainted with the facts and circumstances of this case.

2. I state that the petitioner has filed the above said Criminal Revision challenging the Judgement passed in C.A.Nos: 50 and 51 of 2012 by the Hon'ble Principal Sessions Judge, Krishnagiri, confirming the Judgement passed by the Trial Court in S.T.C. Nos: 24 and 32 of 2011 by the Hon'ble Fast Track Court, Hosur. I state that on 09.10.2018 this Hon'ble court was pleased to dismiss the revisions for Non Prosecution.

3. I state that the petitioner has filed a Criminal Miscellaneous petitions in Crl.M.P. Nos: 20689 and 20690 of 2025 before this Hon'ble Court to restore the said Revision Cases. I state that during the hearing on 12.11.2025 the petitioner has handed



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over the demand drafts for a sum of Rs.72,023/- and Rs. 12,90,593/- respectively to my counsel. I state that the petitioner has further requested this Hon'ble Court to cancel the Memorandum of Deposit which was executed earlier at the time of the chit transaction and that the original documents to be handed over to the petitioner. It was further observed that the respondent counsel had sought to instruct our office to make necessary arrangements within a week. He further sought time since MOD was registered on the file of the SRO, Hosur.

4. I state that with the said observations these Revision cases were restored to file and the matter was posted for passing orders in Criminal Revision cases and adjourned to 25.11.2025. I state that our counsel had informed the order passed by this Hon'ble Court and also tendered the original Demand Drafts to our company. But, our company represented that since another criminal appeal against acquittal against this petitioner was pending before this Hon'ble Court and also the chit outstanding to the tune of Rs.28 lakhs in that particular appeal is also covered under the above said MOD. I state that we have instructed our counsel that we are not accepting the Demand Drafts and wanted the counsel to represent before this Hon'ble Court about the pendency of the other appeal and that the outstanding is covered under the said MOD.



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5. I state that on 25.11.2025 when the same was represented by our counsel, this Hon'ble Court has directed the respondent company to file an affidavit giving details about the MOD as to whether it covers other dues also and posted the matter on 28.11.2025. I state that I have immediately informed the concerned branch to forward the Photostat copy of the MODT registered as document No: 316 of 2009 dated 30.01.2009 executed by one Muniramappa who stood as guarantor to the petitioner herein in the Chit and he had executed the MODT for a sum upto a maximum of Rs.40,00,000/- and submitted the original Sale Deed bearing Document No: 480 of 1988 registered before the SRO, Denkanikottai pertaining to the property at Panjakshipuram Village, Denkanikottai Taluk, Krishnagiri having Survey No: 618/1, measuring 92.5 Cents. I state that the branch manager has also forwarded the copy of another MOD bearing Registration No: 1236 of 2009, registered before the office of the SRO, Rayakottai wherein one Mrs. Venkatalaksmiamma who stood as a surety to the petitioner herein has deposited the original title deeds pertaining to the property situated at Uddanapalli Village, Hosur Taluk, Krishnagiri comprised in Survey No:987/1F measuring 17 Cents of full land.

6. I state that the other chit transaction covered under the Criminal Appeal in C.A. No: 1124 of 2024 pending on the file of this



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Hon'ble Court is in respect of Chit bearing No: J2L/0172/JMM/13 having a termination date of 23.10.2010 for which a cheque bearing No: 561037 drawn on M/s. HDFC Bank, SIPCOT Branch, Hosur dated 23.11.2012 for a sum of Rs.28,93,174/- was issued by the petitioner herein and the same was dishonoured for which the criminal prosecution was filed in STC No: 21 of 2013 before the Hon'ble Judicial Magistrate, FTC, Hosur and the petitioner was acquitted vide a Judgement dated 15.06.2024 against which the above said Criminal Appeal in C.A. No: 1124 of 2024 was preferred and the same is pending before this Hon'ble Court.

7. I state that the MODT in Document No: 316 of 2009 executed by one Mr.Muniramappa pertains to the chit transaction covered under both the Criminal Revision Cases in Crl.R.C. No: 243 of 2013 and Crl.R.C. No: 244 of 2013. Likewise, the MODT in Document No: 1236 of 2009 executed by Mrs. Venkatalaksmiamma pertains to the chit transaction covered under the Criminal Appeal in C.A. No: 1124 of 2024 pending before this Hon'ble Court. I state that the petitioner herein Mr. P. Subramani is the accused in all the above 3 cases.

8. Since this Hon'ble Court wanted our company to cancel the MODT executed by Mr. Muniramappa pertaining to these 2 revision cases on receipt of the demand drafts handed over by the petitioner



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in the above said petition, I submit that we will take necessary steps to cancel the MODT bearing No: 316 of 2009 on the file of the SRO, Denkanikottai and comply with the directions of this Hon'ble Court. But the petitioner/accused having not appeared before this Hon'ble Court when the matter was listed for final hearing during 2018 had suffered dismissal of the criminal revision petitions for non prosecution vide order dated 09.10.2018 of this Hon'ble Court.

9. I state that the subject cheques herein are of the year 2010 and having suffered conviction and the Appellate Court also having confirmed the same, now the petitioner after a lapse of 15 years wants to handover the cheque amounts to our company and wanted the documents given as a security by way of an MODT to be released. I state that the company is put into heavy interest loss for the past 15 years in respect of the outstanding dues which were given as cheques in the year 2010.

Hence this Hon'ble Court may permit the respondent company to accept the Demand Drafts and to encash the same to give quietus to the criminal case and further permit them to enforce the MODT executed by them before the competent court and thus render justice.”

3.Today, the learned counsel for the petitioner filed Additional typed set



of papers and submitted that with regard to S.T.C.No.21 of 2013, the petitioner was acquitted from all charges by the trial Court by judgment dated 15.06.2024, against which, the respondent-chit company preferred an appeal in Crl.A.No.1124 of 2024 which is pending before this Court. As regards the transaction pertaining to S.T.C.No.21 of 2013, the MOD was executed by the petitioner's mother Mrs.Venkatalaksmamma and the mortgage of mother's property is still in force.

4.The learned counsel for the respondent not disputed the same. He submitted that as regards the above revision cases, the MOD in Document No.316/2009 belongs to one Muniramappa. Since now cheque amount has been received though belatedly after 15 years and there is an interest loss, to give a quietus to the dispute between the petitioner and respondent, the respondent is agreed to receive the demand drafts and to encash the same.

5.It is seen that now the cheque amount pertaining to both the cases paid by way of Demand Drafts for a sum of Rs.72,023/- and Rs.12,90,593/-, respectively and the learned counsel for the respondent-chit company received



the same. The Demand Drafts are extracted below:

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Two demand draft forms are shown, both for the value of ₹12,00,000.00, dated 21/01/2017, issued by the Government of Tamil Nadu, Department of Revenue, for the purchase of land.

Form 1 (Top): UQT 947969. The draft is for ₹12,00,000.00, dated 21/01/2017, issued by the Government of Tamil Nadu, Department of Revenue, for the purchase of land. The draft is payable to the Government of Tamil Nadu, Department of Revenue, for the purchase of land.

Form 2 (Bottom): UQT 947968. The draft is for ₹12,00,000.00, dated 21/01/2017, issued by the Government of Tamil Nadu, Department of Revenue, for the purchase of land. The draft is payable to the Government of Tamil Nadu, Department of Revenue, for the purchase of land.

Handwritten notes at the bottom of the page:

Amul 200's original
2017
Counsel for Respondent 2/12/15
Am L. RAO ALEXA

6. Thus the petitioner discharged his liability to the



respondent/complainant-chit company by way of Demand Drafts and the learned counsel for the respondent acknowledged the receipt of entire cheque amount. The respondent in paragraph No.8 of the affidavit undertakes to cancel MODT bearing No.306 of 2009 registered in Sub Registrar Office, Denkanikottai, remove the encumbrance created and recorded and return the following documents. For clarity, scanned reproduction of MODT bearing No.306 of 2009 is as follows:





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To confirm that the mortgagor has already deposited on 11.1.2009 the following documents of title relating to their property listed hereunder with the Mortgagee with intent to create an equitable mortgage in favour of the Mortgagee over the property to which the documents relate to and described

Hereunder for the purpose of securing repayment to the Mortgagee all the amounts owing to the Mortgagee under the advances made and to be made to Mr.V.Maniramappa, by the Mortgagee upto a maximum of Rs.40,00,000/- (Rupees **Forty Lakhs Only**) together with interests, charges thereon.

The mortgagors further declares that the documents deposited are all that were in his possession and control and that the property is not charged or encumbered in any way whatsoever.

LIST OF DOCUMENTS OF TITLE

- | | |
|---------------|--|
| 1) 23.09.1999 | : 3 rd Copy Original Registered Partition Deed Document
No.1248/1999 of of SRO Rayakottai. |
| 2) 27.03.1988 | : Original Regd Sale Deed Doc No.480/1988 of SRO
Denkanikottai |
| 3) 23.12.1976 | : Original Regd Gift Settlement Deed Doc No.1726/1976 of SRO
Denkanikottai. |
| 4) 09.01.2009 | : Original Encumbrance Certificate No.70/2009 of SRO
Denkanikottai. |

SCHEDULE OF PROPERTY

In **PANJAKSHIPURAM VILLAGE** of Denkanikotta Taluk attached to Denkanikotta Sub Registration District and Krishnagiri Registration District of Krishnagiri District.

SURVEY NUMBER.618/1, Dry Ext.Hec.0.92.5, Asst Rs.2.56, Ac.2.28 Cents Full Land Agriculture Land

Y. S. Srinivas



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✓ 7/22/24

1. P Sp-4 5%. Resistance High.

DRAFTED BY: *(Signature)* (Sivakumar) Vp Sampath
 No. 21. Kumar's Street
 +91 8...

H. S. S. S.
A. SENTINEL
DOCUMENT WRITER
Licence No. B-211964/809
HOSUR - 534103



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7.In view of the above, the judgment of the learned Judicial Magistrate, Fast Track Court, Hosur, dated 23.07.2012 in S.T.C.Nos.24 and 32 of 2011 and the judgment of the learned Principal District and Sessions Judge, Krishnagiri dated 24.01.2013 in Crl.A.Nos.50 and 51 of 2012 are set aside. The petitioner is acquitted from all charges.

8.In the result, these Criminal Revision Cases are allowed.

02-12-2025

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

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To

1.The Principal District and Sessions Judge,
Krishnagiri.

2.The Judicial Magistrate,



Fast Track Court, Hosur.

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CRL RC Nos. 243 and 244 of 201



M. NIRMAL KUMAR, J.

rsi

CRL RC Nos. 243 and 244 of 2013



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CRL RC Nos. 243 and 244 of 201



02.12.2025