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Crl.R.C.No.1079 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.08.2025

CORAM:

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

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S.Prakash

... Petitioner

Vs.

Rabithen

... Respondent

PRAYER: Criminal Revision has been filed under Section 397 r/w 401 of Cr.P.C., praying to call for the records pertaining to C.A.No.77 of 2022 on the file of the learned Principal Sessions Judge of Tiruppur and set aside the order dated 06.02.2023 confirming the conviction of the revision petitioner in S.T.C.No.3495 of 2019 on the file of the learned Judicial Magistrate, Fast Track Court No.II, Tiruppur.

For Petitioner : Mr. A.Prathasarathy

For Respondent : Mr. N.Chandran

ORDER

The Criminal Revision Case has been preferred as against the judgment dated 06.02.2023 passed by the learned Principal Sessions Judge, Tiruppur, in C.A.No.77 of 2022, confirming the order dated 06.06.2022 passed by the learned Judicial Magistrate, Fast Track Court No.II, Tiruppur, in S.T.C.No.3495 of 2019, thereby convicting the petitioner for the offence



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punishable under Section 138 of the Negotiable Instruments Act (hereinafter referred to as “the NI Act”).

2. The petitioner is an accused in the complaint lodged by the respondent for the offence punishable under Section 138 of the NI Act, alleging that the petitioner borrowed a sum of Rs.2,50,000/- and in order to repay the said amount, he issued a cheque. The said cheque was presented for collection. However, it was returned dishonoured for the reason “funds insufficient” and “payment stopped by the drawer”. After causing statutory notice, the respondent lodged complaint and the same was taken cognizance by the trial Court in S.T.C.No.3495 of 2019.

3. In order to prove the complaint, the respondent had examined himself as P.W.1 and marked documents in Ex.P.1 to Ex.P.7. On the side of the petitioner, no one was examined and no documents were marked. On perusal of the oral and documentary evidences, the trial Court found the petitioner guilty for the offence punishable under Section 138 of the NI Act and sentenced him to undergo six months simple imprisonment and also awarded compensation to the tune of cheque amount in default, to undergo further period of one month simple imprisonment. Aggrieved by the same, the



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petitioner preferred an appeal and the same was also dismissed by confirming the conviction and sentence imposed by the trial Court. Hence, the petitioner filed the present revision.

4. While pending the revision, at the time of suspending the sentence, the petitioner was directed to deposit a sum of Rs.50,000/- to the credit of the trial Court. Now the learned counsel appearing for the petitioner submitted that the petitioner is ready and willing to settle the entire cheque amount.

5. However, the learned counsel appearing for the respondent submitted that the petitioner alone drag the proceedings for the past six years and he has not agreed to receive the cheque amount.

6. Though there are several grounds to interfere with the judgment and decree of the trial Court as well as the appellate Court, now the petitioner is ready and willing to settle the entire cheque amount to the respondent. Considering the above facts and circumstances and also considering the period, this Court is inclined to allow this revision on certain conditions. Accordingly, the judgment dated 06.02.2023 passed by the learned Principal



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WEB 06.06.2022 Sessions Judge, Tiruppur, in C.A.No.77 of 2022, and the order dated

Tiruppur, in S.T.C.No.3495 of 2019, are hereby set aside on condition that the petitioner shall pay a sum of Rs.2,25,000/- (Rupees two lakhs twenty five thousand only) directly to the respondent, within a period of four weeks from the date of receipt of a copy of this Order. If the respondent refused to receive the amount, the petitioner shall deposit the said amount to the credit of the trial Court in S.T.No.3495 of 2019 on the file of the learned Judicial Magistrate, Fast Track Court No.II, Tiruppur. The respondent is permitted to withdraw the amount which was already deposited before the trial Court by way of application. The learned Magistrate is directed to permit the respondent to withdraw the amount without ordering any notice to the petitioner herein. If the petitioner fails to comply the above conditions, the respondent is at liberty to secure the petitioner in order to undergo remaining period of sentence.

6. Accordingly, the Criminal Revision Case stands allowed.

19.08.2025

Internet:Yes

Index:Yes/No

Speaking/Non speaking order

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1.The Principal Sessions Judge,
Tiruppur.

2.The Judicial Magistrate,
Fast Track Court No.II,
Tiruppur.



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G.K.ILANTHIRAIYAN. J,

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