



Crl.R.C.No.327 of 2022

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 30.04.2025

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.327 of 2022

1.M/s.Vahini Apparels,
Represented by its Partner,
R.Sakthi Renuka,
W/o.Shanmugam,
Anuparpalayam,
Tiruppur District.

2.P.Sakthi Renuka
Partner of M/s.Vahini Apparels ... Petitioners/A1 & A2

Versus

M.Manikavasagar ... Respondent/Complainant

PRAYER : Criminal Revision Petition filed under Sections 397 r/w 401 of Cr.P.C., praying to set aside the judgment passed by the learned Judicial Magistrate (Fast Track Court) at Tiruppur in C.C.No.50 of 2015 dated 07.10.2021 as confirmed by the judgment of the learned Principal Sessions Judge, Tiruppur in C.A.No.102 of 2021 dated 24.01.2022.



WEB COPY



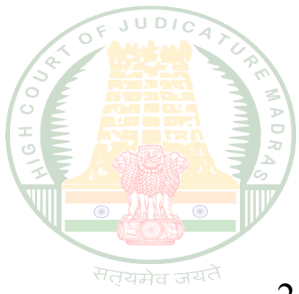
Crl.R.C.No.327 of 2022

Petitioners : Mr.S.N.Arunkumar

For Respondent : Mr.M.Sivavarthan

ORDER

The petitioners/A1 & A2 in C.C.No.50 of 2015 were convicted by the trial Court by the judgment dated 07.10.2021 on the complaint filed by the respondent for offence under Section 138 of the Negotiable Instruments Act and the second petitioner being the partner of first petitioner/company was sentenced to undergo six months simple imprisonment and directed to pay the cheque amount of Rs.4,00,000/- as compensation. Aggrieved against the same, the petitioners preferred an appeal in Crl.A.No.102 of 2021 before the Principal Sessions Judge, Tiruppur. The Principal Sessions Judge, by the judgment dated 24.01.2022, dismissed the appeal confirming the conviction and sentence of the trial Court, against which, the present revision is filed.



Crl.R.C.No.327 of 2022

WEB COPY

2.Today, the learned counsel for petitioners as well as respondent are present. The second petitioner and the respondent appeared through video conference and they were identified by their respective counsels. Mr.Mahesh Kumar, learned counsel, who appeared before the trial Court for the respondent is also present along with the respondent through video conference.

3.The contention of the learned counsel for petitioners is that second petitioner being a lady as Entrepreneur wanted to do small business. She took a loan from the respondent and her business failed and she faced lot of debts. For that reason she was unable to pay the respondent. The further contention of the petitioners is that second petitioner gave only signed blank cheque, which was filled by the respondent on his own and she is not due to pay Rs.4,00,000/-. Though she admits that she issued a cheque, it was for a lesser amount.

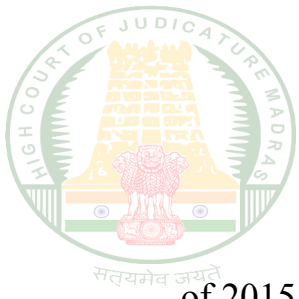


Crl.R.C.No.327 of 2022

WEB COPY

4.The learned counsel for the respondent strongly refuted the same submitting that the second petitioner handed over a cheque for a sum of Rs.4,00,000/- in discharge of her liability, which was presented, got dishonoured, thereafter case filed. The cheque is of the year 2013, it is almost 12 years now, the respondent is yet to see the colour of the coin.

5.Be that as it may. Now the second petitioner and respondent have come to an understanding. The second petitioner being a lady, with great difficulty mobilised some amount and paid a sum of Rs.85,000/- by way of Demand Draft bearing No.507481 dated 28.04.2025, which was received and acknowledged by the learned counsel for respondent. The second petitioner earlier at the time of pendency of the appeal, deposited a sum of Rs.80,000/- to the credit of C.C.No.50 of 2015 before the trial Court and the bank challan receipt is produced. Thereafter at the time of filing of revision before this Court, another amount of Rs.2,00,000/- deposited to the credit of C.C.No.50



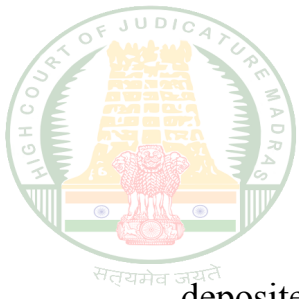
Crl.R.C.No.327 of 2022

WEB COPY

of 2015, receipt is produced. In total, the second petitioner deposited a sum of Rs.2,80,000/- before the trial Court, handed over Demand Draft for Rs.85,000/-, which is the amount she could mobilise. The respondent considering the petitioner's situation and her difficulty, agreed to receive the amount of Rs.3,65,000/- in lieu of the cheque amount of Rs.4,00,000/-. Today, both the parties filed a compounding petition in Crl.M.P.No.9854 of 2025 in Crl.R.C.No.327 of 2022 invoking Section 147 of the Negotiable Instruments Act, 1881 for compounding the offence.

6.In view of the compromise arrived at between the parties and considering the petition under Section 147 of the Negotiable Instruments Act, the offence under Section 138 of the Negotiable Instruments Act in C.C. No.50 of 2015 is compounded.

7.The learned counsel for the respondent/complainant seeks appropriate direction to receive the amount of Rs.2,80,000/-, which already



Crl.R.C.No.327 of 2022

WEB COPY

deposited before the trial Court in the credit of C.C.No.50 of 2015. The learned counsel for petitioners has no objection for the same.

8.In the result, the case between the petitioners and the respondent are compounded. Hence, the judgment dated 24.01.2022 made in Crl.A.No.102 of 2021 on the file of the learned Principal Sessions Judge, Tiruppur, confirming the judgment dated 07.10.2021 made in C.C.No.50 of 2015 on the file of the learned Judicial Magistrate, Fast Track Court, Tiruppur, is set aside and the revision is, accordingly, allowed. The revision petitioners discharged for the offence under Section 138 of the Negotiable Instruments Act.

9.The respondent/complainant is directed to file appropriate petition/memo before the trial Court seeking return of Rs.2,80,000/-, which is deposited in the credit of C.C.No.50 of 2015. On such prayer, trial Court is directed to return the amount of Rs.2,80,000/- deposited by the petitioners along with the accrued interest if any, dispensing notice to the petitioners and



Crl.R.C.No.327 of 2022

WEB COPY

the amount to be returned to the respondent within a period of 15 days from
the date of receipt of a copy of this order.

30.04.2025

Index : Yes / No

Internet : Yes/No

Speaking / Non-speaking order
rsi

To

1.The Principal Sessions Judge,
Tiruppur.

2.The Judicial Magistrate,
Fast Track Court, Tiruppur.

3.The Public Prosecutor,
High Court, Madras.



WEB COPY



Crl.R.C.No.327 of 2022

M.NIRMAL KUMAR, J.

rsi

Crl.R.C.No.327 of 2022

30.04.2025