



WEB COPY



Crl.RC.No.508 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.04.2025

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.RC.No.508 of 2025

Manikandan

... Petitioner

Vs.

Ravichandran

... Respondent

Prayer: Criminal Revision Case filed under Section 438 read with 442 of B.N.S.S. to set aside the order of the District Judge, Mayiladuthurai in Crl.A.No.29 of 2024 dated 27.09.2024 dismissing the appeal and arising from the order of the Judicial Magistrate, Sirkali in S.T.C. No.259 of 2020 dated 24.01.2024 convicting the petitioner/accused under Section 138 of the Negotiable Instruments Act three months imprisonment and directing to pay compensation of Rs.5,60,000/- under Section 357(3) in failure of payment three months simple imprisonment.

For Petitioner

: Mr.R.Shivakumar

M/s.K.M.Vijayan Associates



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ORDER

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This Criminal Revision Case has been filed by the petitioner to set aside the order of the District Judge, Mayiladuthurai in Crl.A.No.29 of 2024 dated 27.09.2024 dismissing the appeal arising from the order of the Judicial Magistrate, Sirkali in S.T.C. No.259 of 2020 dated 24.01.2024 convicting the petitioner under Section 138 of the Negotiable Instruments Act.

2. The case of the petitioner is that the respondent filed a false complaint against the petitioner in S.T.C. No.259 of 2020 before the Judicial Magistrate, Sirkali under Section 138 of the Negotiable Instruments Act. The learned Magistrate, after enquiry, convicted the petitioner under Section 138 of the Negotiable Instruments Act by order dated 24.01.2024 and sentenced to undergo three months simple imprisonment and to pay compensation of Rs.5,60,000/- within a period of two months in default of payment, to undergo three months simple imprisonment. Challenging the order of conviction and sentence, the petitioner preferred an appeal in Crl.A.No.29 of 2024 before the



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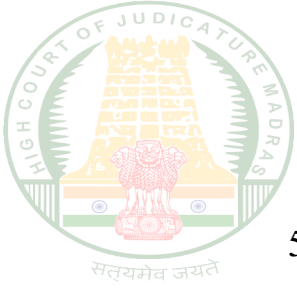
District Judge, Mayiladuthurai and he also filed a petition in Crl.M.P.No.1759

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of 2024 seeking suspension of sentence. The said petition for suspension of sentence was allowed by order dated 06.08.2024 on condition to deposit 10% of the compensation amount before the trial Court within a period of one month. However, since the petitioner did not comply with the said condition within the stipulated time, the learned Judge, dismissed the main appeal itself by order dated 27.09.2024 which is against the provisions of law. The petitioner was not given opportunity to make his defense in the appeal. If at all, the learned Judge ought to have dismissed the petition for suspension sentence for non compliance of the order and not the main appeal. Therefore, the present revision is filed.

3. Heard the learned counsel for the petitioner and perused the materials available on record.

4. Since no adverse order is being passed against the respondent, notice to the respondent is dispensed with.



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5. Considering the facts and circumstances, the order passed by the

District Judge, Mayiladuthurai in Crl.A.No.29 of 2024 dated 27.09.2024 is set aside.

6. Further, the District Judge, Mayiladuthurai is directed to issue warrant to the petitioner and take steps to execute the warrant and also take the appeal in Crl.A.No.29 of 2024 and dispose of the same on merits and in accordance with law.

7. With the above directions, this Criminal Revision Case is disposed of.

03.04.2025

Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No

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To

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1. The District Judge, Mayiladuthurai
2. The Judicial Magistrate, Sirkali



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P.VELMURUGAN. J.

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