



Crl.RC.No.388of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 30.06.2025

CORAM:

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

Crl.RC.No.388 of 2023

Saravanabhavan

... Revision Petitioner

Versus

R.Senna Kesavan
S/o. Ramanujam

... Respondent

PRAYER: Criminal Revision has been filed under Section 397 r/w 401 of the Code of Criminal Procedure praying to set aside the judgment passed by the V Additional District and Sessions Court, Coimbatore in C.A.No. 2 of 2017 dated 10.01.2023 confirming the judgment passed by the Judicial Magistrate, FTC No.II, Coimbatore in C.C.No.112 of 2015 dated 08.12.2016 and acquit the petitioner/accused, and allow the above Crl.RC as the charges against her are disproved and pass such further or other suitable orders.

For Petitioner	:	Mr.B.Singaravelu
For Respondent	:	Mr.M.Mariappan



Crl.RC.No.388of 2023

ORDER

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This Criminal Revision Petition has been preferred against the judgment in C.A. No. 2 of 2017 dated 10.01.2023 on the file of the V Additional District Judge, Coimbatore, thereby confirming the conviction and sentence imposed by the Trial Court in C.C. No. 112 of 2015 dated 08.12.2016 for the offence punishable under Section 138 of the N.I. Act.

2. The petitioner is the accused in the complaint lodged by the respondent for the offence punishable under Section 138 of the N.I. Act, alleging that the petitioner borrowed a sum of Rs.9,00,000/- (Rupees Nine Lakhs Only), and for repayment of the same, he issued a cheque. When the respondent presented the cheque in the bank, it was returned with the endorsement "Funds insufficient." After issuing a notice to the petitioner, the respondent filed the complaint.

3. On the side of the complainant, he examined himself as PW1 and another witness, namely Venkatesan, as PW2, and marked documents as Exhibits P1 to P5. On the side of the petitioner, no witnesses were examined, and no documents were marked. On perusal of oral and documentary evidence, the trial Court found the petitioner guilty of the



Crl.RC.No.388of 2023

offence punishable under Section 138 of the N.I. Act and sentenced him

to undergo one year of simple imprisonment and to pay the cheque amount of Rs.9,00,000/-. The order was challenged before the Appellate Court, and the same was confirmed by the Appellate Court. Aggrieved by the same, the petitioner has filed the present Revision Petition.

4. Heard both sides and perused the materials available on record.

5. During the pendency of the revision petition, the parties have arrived at an amicable settlement. Pursuant to the settlement, the petitioner has produced a demand draft for a sum of Rs.9,00,000/- (Rupees Nine Lakhs Only), drawn in favour of the respondent, bearing Demand Draft No. 808944, dated 04.06.2025. The learned counsel for the respondent has duly acknowledged receipt of the same.

6. In light of the amicable settlement reached between the parties, and considering that the entire cheque amount has been paid to the respondent, the judgment passed by the Appellate Court in C.A. No. 2 of 2017 dated 10.01.2023, confirming the judgment of the Trial Court in C.C. No. 112 of 2015 dated 08.12.2016, is hereby set aside. Accordingly, the Criminal Revision Petition is allowed.



Crl.RC.No.388of 2023

WEB COPY

30.06.2025

Index:Yes/No

Neutral citation:Yes/No

Speaking/Non speaking order
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To

- 1.The V Additional Session Judge, Coimbatore.
- 2.The Judicial Magistrate, FTC No.II, Coimbatore.



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Crl.RC.No.388of 2023

G.K.ILANTHIRAIYAN. J,

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Crl.RC.No.388 of 2023

30.06.2025