



Crl.RC.No.379 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.08.2025

CORAM:

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

Crl.RC.No.379 of 2025
and Crl.M.P.No.3905 of 2025

Sivagami Petitioner

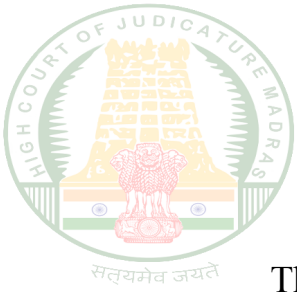
Vs.

N.Dilli Respondent

Prayer: Criminal Revision is filed under Section 438 r/w. 442 of BNSS, to set aside the conviction and sentence imposed on the petitioner in Crl.Appeal No.131 of 2024 dated 19.02.2025 confirming the conviction in S.T.C.No.3077 of 2023 dated 29.01.2024 passed by the learned XXV Metropolitan Magistrate, Egmore, Chennai.

For Petitioner : Mr. V.K.Sathiamurthy

For Respondent : Mr.G.Anand Kumar



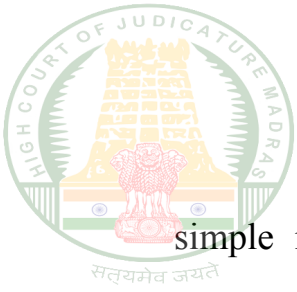
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ORDER

This revision has been preferred as against the judgment passed in Crl.A.No.131 of 2024 dated 19.02.2025 thereby confirming the order of conviction and sentence imposed by the trial Court in STC No.3077/2023.

2.The petitioner is an accused in the complaint lodged by the respondent for the offences under Section 138 NI Act alleging that the petitioner borrowed a sum of Rs.2,50,000/- in the month of June, 2020 from the respondent and promised to repay the same within a period of one year. Towards the repayment of the said loan amount the petitioner issued a cheque for a sum of Rs.1,00,000/- dated 15.07.2021 and another cheque for a sum of Rs.1,50,000/- dated 03.08.2021. Both the cheques were presented for collection and both were returned dishonoured for the reason “Funds Insufficient”. After causing statutory notice, lodged complaint and the same has been taken cognizance by the trial Court.

3. In order to prove the complaint the respondent has examined as P.W.1 and marked Exs.P1 to P7. On the side of the petitioner no one was examined and no documents were marked. On perusal of the oral and documentary evidence the trial Court found the petitioner guilty for the offence under Section 138 NI Act and sentenced him to undergo three months



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simple imprisonment and also awarded compensation to the tune of the cheque amount. Aggrieved by the same the petitioner has preferred an appeal and the same was also dismissed by confirming the order of conviction and sentence imposed by the trial Court.

4. Though the learned counsel for the petitioner raised several grounds to set aside the order of conviction and sentence when this Court is not inclined to set aside the conviction and sentence, the learned counsel for the petitioner submitted that already the petitioner had deposited a sum of Rs.1,00,000/- to the credit of the trial Court and he sought for further time to settle the cheque amount within a period of 12 weeks.

5. The learned counsel for the respondent also agrees for the payment of cheque amount.

6. In view of the above, the order dated 19.02.2025 made in Crl.Appeal No.131 of 2024 on the file of the III Additional Sessions Judge, City Civil Court, Chennai is hereby set aside, on condition that the petitioner shall pay the remaining cheque amount of Rs.1,50,000/- directly to the respondent within a period of eight weeks from today. The respondent herein is permitted



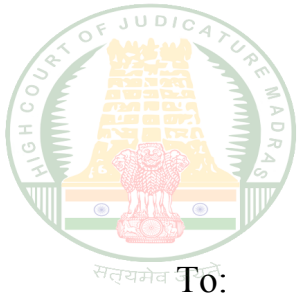
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to withdraw the amount which was already deposited by the petitioner to the tune of Rs.1,00,000/- to the credit of STC No.3077/2023 by way of an application. The trial Court is directed to permit the petitioner to withdraw the said amount without ordering any notice to the respondent. If the petitioner failed to pay the balance cheque amount to the respondent within a stipulated time stipulated by this Court, the order of conviction and sentence imposed by the trial Court stands automatically restored and the trial Court / police officials are at liberty to take appropriate steps to secure the petitioner to undergo the remaining the period of sentence.

7. Accordingly, this Criminal Revision is allowed. Connected miscellaneous petition is closed.

13.08.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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To:

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- 1.The XXV Metropolitan Magistrate, Egmore, Chennai.
- 2.The III Additional Sessions Judge, City Civil Court, Chennai.



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G.K.ILANTHIRAIYAN, J.

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