



Crl.R.C.No.1461 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 25.08.2025

CORAM:

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

Crl.R.C.No.1461 of 2025
and Crl.M.P.No.15638 of 2025

S.Venkatesan

... Petitioner

Vs.

M.Jeevanandham

... Respondent

PRAYER: Criminal Revision has been filed under Section 438 r/w 442 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying to call for the records and set aside the judgment passed by the learned Court of IV Additional City Civil and Sessions Court, Chennai in Crl.A.154 of 2024 dated 07.12.2024 and confirmed in the judgment passed by the learned Metropolitan Magistrate, Fast Track Court-III, Saidapet, Chennai in C.C.No.3530 of 2016 dated 29.01.2024 and acquit the petitioner from all the charges.

For Petitioner : Mr.C.Iyyapparaj

ORDER

The Criminal Revision Case has been preferred as against the judgment dated 07.12.2024 passed by the learned IV Additional Sessions Judge, City Civil and Sessions Court, Chennai, in Crl.A.No.154 of 2024, confirming the order dated 29.01.2024 passed by the learned Metropolitan



Crl.R.C.No.1461 of 2025

Magistrate, Fast Track Court-III, Saidapet, Chennai, in C.C.No.3530 of 2016, thereby convicting the petitioner for the offence 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 for the amount due to the respondent out of a sale transactions, the petitioner had issued two cheques for a sum of Rs.10,00,000/- & Rs.20,00,000/- respectively. The said cheques were presented for collection and the same were returned dishonoured for the reason “funds insufficient”. After causing statutory notice, the respondent lodged the complaint and the same was taken cognizance by the trial Court in C.C.No.3530 of 2016.

3. On the side of the respondent, he had examined himself as P.W.1 and marked documents in Ex.P.1 to Ex.P.6. 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 to pay the cheque amount with 6% interest per annum as compensation, in default, to undergo further period of



one month simple imprisonment. Aggrieved by the same, the 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. The learned counsel appearing for the petitioner submitted that the petitioner is ready and willing to settle the entire cheque amount as awarded by the trial Court. He also produced a calculation memo before this Court. As per the calculation memo, the total cheque amount is Rs.30,00,000/-. The interest calculated as on date is Rs.16,20,000/- and the total due amount is Rs. 46,20,000/-. He further submitted that already a sum of Rs.20,00,000/- was paid to the complainant through bank account and for the remaining amount of Rs.26,20,000/-, he produced three Demand Draft for a sum of Rs.16,20,000/- 4,00,000/- & 6,00,000/- respectively, before this Court. Hence, he prayed to allow this revision.

5. Heard the learned counsel appearing for the petitioner and perused the materials placed before this Court. Though notice served on the respondent, no one is appeared on behalf of the respondent either by person or through pleader.



Crl.R.C.No.1461 of 2025

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6. Considering the above facts and circumstances, this Court is inclined to allow this revision on certain conditions. Accordingly, the judgment dated 07.12.2024 passed by the learned IV Additional Sessions Judge, City Civil and Sessions Court, Chennai, in Crl.A.No.154 of 2024, and the order dated 29.01.2024 passed by the learned Metropolitan Magistrate, Fast Track Court-III, Saidapet, Chennai, in C.C.No.3530 of 2016, are hereby set aside on condition that the petitioner shall deposit the demand drafts for the total sum of Rs.26,20,000/- (Rupees twenty six lakhs twenty thousand only) on or before 08.09.2025, to the credit of C.C.No.3530 of 2016 on the file of the learned Metropolitan Magistrate, Fast Track Court-III, Saidapet, Chennai. It is made clear that if the petitioner fails to comply the above condition, the conviction and sentence imposed by the trial Court shall automatically stand restored and the respondent is at liberty to secure the petitioner in order to undergo remaining period of sentence. The respondent is permitted to withdraw the amount which was 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.



Crl.R.C.No.1461 of 2025

WEB COPY 7. Accordingly, the Criminal Revision Case stands allowed.

Consequently, connected miscellaneous petition is closed.

25.08.2025

Internet: Yes

Index: Yes/No

Speaking/Non speaking order

*Note : Issue order copy on or
before 01.09.2025*

rts

To

1. The IV Additional Sessions Judge,
City Civil and Sessions Court,
Chennai.

2. The Metropolitan Magistrate,
Fast Track Court-III, Saidapet,
Chennai.



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Crl.R.C.No.1461 of 2025

G.K.ILANTHIRAIYAN. J,

rts

Crl.R.C.No.1461 of 2025
and Crl.M.P.No.15638 of 2025

25.08.2025