



Crl.R.C.No.682 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.08.2025

CORAM:

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

Crl.R.C.No.682 of 2023

M.Sundaravadivu

... Petitioner

Vs

E.Ramasamy

... Respondent

PRAYER: Criminal Revision Case is filed under Sections 397 and 401 of Code of Criminal Procedure, to call for the records and set-aside the order passed by the Learned Principal Sessions Judge, Tiruppur, Tiruppur District in Crl.A.No.96 of 2022 dated 07.03.2023 wherein the Court has confirmed the conviction and sentence imposed by the Learned the Fast Track Court Magistrate Level, Tiruppur, Tiruppur District in S.T.C.No.1614 of 2019 dated 29.06.2022.

For Petitioner : Mr.A.D.Ganeshamoorthi

For Respondent : Mr.Manojkumar

ORDER

This Criminal Revision has been filed to set-aside the order in Crl.A.No.96 of 2022 dated 07.03.2023 by the Principal Sessions Judge, Tiruppur, Tiruppur District, thereby confirming the order of conviction and sentence in S.T.C.No.1614 of 2019 dated 29.06.2022 passed by the Fast Track Court Magistrate Level, Tiruppur, Tiruppur District, thereby convicting the



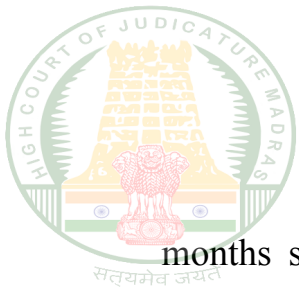
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petitioner for the offence punishable under Section 138 of Negotiable Instruments Act.

2. Heard the learned counsel on either side and perused the materials available on record.

3. The respondent lodged a complaint against the petitioner for the offence punishable under Section 138 of Negotiable Instruments Act alleging that the petitioner borrowed a sum of Rs.2 Lakhs as loan on 03.11.2018. In order to repay the said amount, she issued a cheque for a sum of Rs.2 Lakhs, on 25.02.2019. The said cheque was presented for collection. However, it was returned dishonoured for the reason “Funds Insufficient”. After causing statutory notice, the respondent lodged a complaint.

4. In order to prove the charge, the respondent was examined as PW.1 and marked Exs.P1 to 4 and on the side of the accused, he had examined DWs.1 and 2 and marked Exs.D1 to 4. On perusal of oral and documentary evidence, the petitioner was found guilty for the offence punishable under Section 138 of Negotiable Instruments Act and sentenced her to undergo six



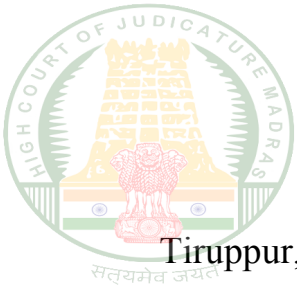
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months simple imprisonment and also awarded compensation to the tune of cheque amount. Aggrieved by the same, the petitioner preferred appeal and the same was also dismissed, confirming the order passed by the Trial Court. Hence, this revision.

5. The learned counsel for the petitioner would submit that already he had deposited a sum of Rs.40,000/- and in order to repay for the remaining amount, he sought for two months time, since the petitioner is now hospitalized for his illness.

6. The learned counsel for the respondent agreed to receive the cheque amount as full and final settlement. He further submitted that the sole respondent died and therefore, he seeks permission that the remaining amount shall be paid to the legal heirs of the respondent.

7. In view of the above, the order passed in Crl.A.No.96 of 2022 dated 07.03.2023 by the Principal Sessions Judge, Tiruppur, Tiruppur District, thereby confirming the order of conviction and sentence in S.T.C.No.1614 of 2019 dated 29.06.2022 passed by the Fast Track Court Magistrate Level,



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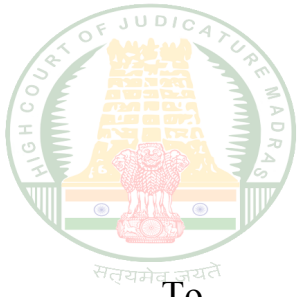
Tiruppur, Tiruppur District, are hereby set aside.

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8. Accordingly, this Criminal Revision Case is allowed, on condition that the petitioner shall pay the remaining sum of Rs.1,60,000/- (Rupees One Lakh Sixty Thousand only) to the legal heirs of the respondent herein, within a period of six weeks from the date of receipt of a copy of this order, failing which, the conviction and sentence imposed by the Trial Court shall stand automatically restored. The legal heirs of the respondent are permitted to withdraw the amount which was already deposited to the credit of the Trial Court in STC.No.1614 of 2019. The Trial Court is directed to permit the legal heirs of the respondent to withdraw the said amount, without ordering any notice to the petitioner herein. If the petitioner fails to comply with the said condition, the respondent is at liberty to take appropriate steps to secure the petitioner in order to undergo remaining period of sentence in accordance with law.

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Internet: Yes
Index: Yes/No
Speaking/Non speaking order
mn



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To
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The Principal Sessions Judge,
Tiruppur, Tiruppur District.



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G.K.ILANTHIRAIYAN. J.

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