



Crl.R.C.No.590 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2025

CORAM :

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

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Premkumar

... Petitioner

Vs.

Manikandan

... Respondent

Prayer : Criminal Revision Case filed under Section 438 r/w 442 of BNSS, praying to call for the records and set aside the judgment of conviction and sentence u/s 138 of the Negotiable Instruments Act, passed in C.C.No.29 of 2017 dated 28.02.2024 by the learned Fast Track Judicial Magistrate, Thiruthurai Poondi, confirmed in C.A.No.20 of 2024 dated 03.03.2025 by the learned Principal District and Sessions Judge, Thiruvarur and acquit the petitioner.

For Petitioner : Mr.K.V.Sridharan

For Respondent : Mr.S.Ebiyaraja

ORDER

This Criminal Revision Case has been preferred against the judgment dated 03.03.2025 passed in C.A.No.20 of 2024 by the learned Principal District and Sessions Judge, Thiruvarur, thereby confirmed the



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conviction and sentence u/s 138 of Negotiable Instruments Act imposed vide order dated 28.02.2024 passed in C.C.No.29 of 2017 by the learned Fast Track Judicial Magistrate, Thiruthurai Poondi.

2. The petitioner is the accused in the complaint lodged by the respondent for the offence punishable under Section 138 of Negotiable Instruments Act (in short 'the NI Act') alleging that the petitioner approached the respondent and borrowed a sum of Rs.5,00,000/- on 01.03.2017 for his urgent needs and towards repayment of the said amount, he issued a cheque bearing No.083501 dated 24.04.2017 drawn on ICICI Bank, Madipakkam Branch for a sum of Rs.5,00,000/-. When the said cheque was presented on 24.04.2017 for collection, the same was returned on 27.04.2017 with an endorsement "Funds Insufficient". Against the said dishonour, the respondent issued legal notice to the petitioner on 04.05.2017, which was received by the petitioner on 05.05.2017. Though he sent reply notice on 17.05.2017 with false allegations, he has not come forward to repay the said amount. Hence, the respondent has filed a complaint u/s 138 of NI Act on the file of Fast Track Judicial Magistrate, Thiruthuraipoondi in C.C.No.29 of 2017.



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3. After elaborate discussions, the trial court convicted the petitioner u/s 138 of the N.I. Act and sentenced him to undergo simple imprisonment for two years and to pay a compensation of Rs.5,00,000/- to the respondent. Challenging the same, the petitioner has filed an appeal in Criminal Appeal No.20 of 2024 before the learned Principal District and Sessions Judge, Thiruvarur and the learned Sessions Judge, vide judgment dated 03.03.2025, dismissed the appeal by confirming the conviction and sentence passed by the learned Fast Track Judicial Magistrate, Thiruthuraipoondi. Aggrieved by the same, the present revision is filed.

4. The learned counsel for the petitioner submitted that the total cheque amount is Rs.5,00,000/-, in which, already the petitioner had paid a sum of Rs.3,00,000/- to the respondent. Insofar as the remaining amount, he has sought for eight (8) weeks time to settle the entire cheque amount.



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5. The learned counsel for the respondent would submit that the CC is of the year 2017 and as such, he sought for some interest for the cheque amount.

6. It is seen that already there was an amicable settlement in between the parties, in which the petitioner paid a sum of Rs.3,00,000/- out of Rs.5,00,000/-. Insofar as the remaining amount is concerned, the petitioner has sought for eight weeks time period to settle the same. In view of the settlement arrived at between the parties, the conviction and sentence imposed on the petitioner/accused by the Trial Court in C.C.No.29 of 2017 and confirmed by the appellate court in C.A.No.20 of 2024 are set aside and the revision petitioner/accused is acquitted from all the charges levelled against him.

7. Accordingly, the Criminal Revision Case is allowed on condition that the petitioner shall pay the remaining cheque amount of Rs.2,00,000/- (Rupees Two Lakhs only) directly to the respondent on or before 30.08.2025. It is made clear that if the petitioner fails to make the



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payment within the prescribed time, the conviction and sentence imposed by the Trial Court and confirmed by the Appellate Court shall automatically stand restored and the jurisdictional police is at liberty to secure the petitioner in the manner known to law to comply the order of the Trial Court as well as the Appellate Court.

30.06.2025

Index : Yes / No
Speaking order / Non-speaking order
NCC : Yes / No
sp

To

- 1.The Principal District and Sessions Judge, Thiruvarur.
- 2.The Fast Track Judicial Magistrate, Thiruthuraipoondi.



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G.K.ILANTHIRAIYAN, J.

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