



Crl.R.C.No.696 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 07.07.2025

CORAM:

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

Crl.R.C.No.696 of 2023
and Crl.M.P.No.5360 of 2023

P.Sekar

... Petitioner

Vs.

S.Arulmanickam

... Respondent

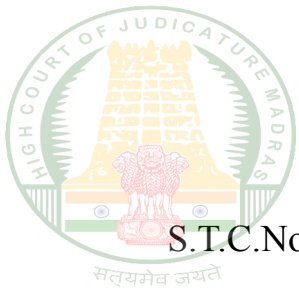
PRAYER: Criminal Revision has been filed under Section 397 r/w. 401 of Cr.P.C., praying to set aside the impugned judgment dated 28.02.2023 passed in C.A.No.70 of 2018 by the learned Principal Sessions Judge, Nagapattinam, confirming the order/judgment of conviction and sentence dated 16.10.2018 passed in S.T.C.No.105 of 2016 by the learned District Munsif-cum-Judicial Magistrate, Vedaranyam.

For Petitioner : Mr.M.Palanivel

For Respondent : Mr.S.Senthil

ORDER

The Criminal Revision Case has been preferred as against the judgment dated 28.02.2023 passed by the learned Principal Sessions Judge, Nagapattinam, in C.A.No.70 of 2018, confirming the order dated 16.10.2018 passed by the learned District Munsif-cum-Judicial Magistrate, Vedaranyam, in



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S.T.C.No.105 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 respondent lodged complaint against the petitioner for the offence punishable under Section 138 of the NI Act, alleging that the petitioner borrowed a sum of Rs.4,00,000/- and to discharge the said debt, he issued a cheque. The said cheque was presented for collection and it was 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 S.T.C.No.105 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.4. 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 month simple imprisonment and to pay a fine of Rs.3,000/- in default, to undergo further period of one month simple imprisonment. Aggrieved by the same, the petitioner preferred an appeal and the same was



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also dismissed by confirming the conviction and sentence imposed by the trial

WEB COURT. Hence, the petitioner filed the present revision.

4. While pending the revision, the parties viz., the petitioner and the respondent entered into a joint memo of compromise and accordingly, the petitioner paid the entire cheque amount. A Joint Memo of Compromise dated 07.07.2025, has been filed before this Court, which has been signed by the petitioner and the respondent and also by their respective counsel. In order to identify the respective parties, they have also produced the copies of the Aadhaar Card and it is made part of the record. Both the parties are present before this Court and this Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves. The respondent received the entire cheque amount and he has no objection to set aside the conviction and sentence imposed on the petitioner.

5. In view of the above, the conviction and sentence imposed on the petitioner in the judgment dated 28.02.2023 passed by the learned Principal Sessions Judge, Nagapattinam, in C.A.No.70 of 2018, and the order dated 16.10.2018 passed by the learned District Munsif-cum-Judicial Magistrate, Vedaranyam, in S.T.C.No.105 of 2016, are hereby set aside. The petitioner is



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acquitted from all the charges in S.T.C.No.105 of 2016 under Section 138 of the NI Act. The terms of Joint Memo of Compromise dated 07.07.2025, shall form part and parcel of this Order. Fine amount, if any paid, shall be refunded to the petitioner forthwith. Bail bonds, if any executed, shall stand cancelled.

6. Accordingly, the Criminal Revision Case stands allowed. Consequently, connected miscellaneous petition is closed.

07.07.2025

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

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- To
- 1.The Principal Sessions Judge,
Nagapattinam.
 2. The District Munsif-cum-Judicial Magistrate,
Vedaranyam.



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G.K.ILANTHIRAIYAN. J,

rts

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