



Crl.R.C.No.629 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.04.2025

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.629 of 2022

and

Crl.M.P.No.9857 of 2025

Sathik Basha

... Petitioner

Versus

Senthilnathan

... Respondent

PRAYER: Criminal Revision is filed under Section 397 r/w 401 of the Code of Criminal Procedure, to set aside the judgment dated 10.02.2022 in Crl.A.No.68 of 2021, on the file learned Sessions Judge, Special Judge for Trial of Cases Registered under SC/ST (POA) Act, Namakkal, confirming the conviction and sentence in the judgment dated 30.03.2021 made in C.C.No.72 of 2018, on the file of the Judicial Magistrate Court, Rasipuram.

For Petitioner : Mr.W.Camyles Gandhi

For Respondent : Ms.V.Kayalvizhi for
Mr.R.Sasikumar

ORDER

This Criminal Revision Case is filed challenging the judgment of the Courts below convicting the revision petitioner for the offence under Section 138 of Negotiable Instruments Act.



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2. The petitioner/accused in C.C.No.72 of 2018 filed under Section 138 of Negotiable Instrument Act by the respondent, was convicted by the trial Court by judgment dated 30.03.2021. He was sentenced to undergo one year Simple Imprisonment and was directed to pay a sum of Rs.6,00,000/- as compensation, being the cheque amount.

3. Aggrieved by the said judgment, the petitioner preferred an appeal before the Sessions Court in Crl.A.No.68 of 2021. The Sessions Judge, by judgment dated 10.02.2022, dismissed the appeal and confirmed the conviction and sentence passed by the trial Court. Hence, the present revision petition has been filed.

4. The case of the complainant is that the petitioner/accused and the respondent/complainant are friends. In the year 2016, the petitioner borrowed a sum of Rs.6,00,000/- from the complainant for meeting his family and business expenses. On 12.03.2018, when the complainant demanded repayment of the said amount, the petitioner issued a cheque bearing No.288864, drawn on Corporation Bank, Mullukurichi branch, in favour of



the complainant. When the cheque was presented for collection, it was returned unpaid on 14.03.2018 with a return memo bearing an endorsement “Insufficient Funds”. Thereafter, a statutory notice was issued to the accused, which was served on him on 23.03.2018. Since the accused failed to comply with the notice, the complainant filed a private complaint before the learned Judicial Magistrate Court, Rasipuram in C.C.No.72 of 2018.

5. During the trial, the complainant examined himself as PW.1 and marked five (5) exhibits as Ex.A1 to Ex.A5. On the side of the accused, the accused has not adduced any oral evidence.

6. Pursuant to the order passed by this Court on 03.03.2025, the accused had produced two demand drafts for Rs.2,70,000/- and Rs.30,000/- respectively, totalling 50% of the cheque amount. The said demand drafts, drawn in favour of the respondent/complainant, were handed over to the respondent/complainant on 17.03.2025.

7. Be that as it may, an understanding entered into between the petitioner/accused and the respondent/complainant to amicably resolve the dispute and to give quietus. Pursuant to the said understanding, the



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respondent/complainant agreed to receive the balance amount of Rs.3,00,000/- as full and final compensation, thereby giving a quietus to the dispute. Today, the petitioner has paid the balance amount of Rs.3,00,000/- in cash and the respondent has acknowledged receipt of the same. The petitioner in total paid Rs.6,00,000/-, the cheque amount to the respondent.

8. Both the parties and their respective counsels are present today and have agreed to compound the offence on receipt of the aforesaid amount. Accordingly, the amount has been handed over to the the complainant. In the light of the above settlement, the respondent/complainant compounded the case with the petitioner and hence, the conviction of the petitioner by the trial Court, confirmed by the lower appellate Court is hereby set aside. The petitioner is discharged from the above offence.

9. Recording the compounding, this Criminal Revision Case is allowed. Consequently, the connected Criminal Miscellaneous Petitions is also ordered.

29.04.2025

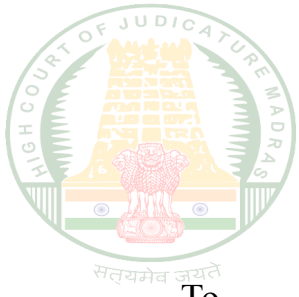
Speaking order/Non-speaking order

Index: Yes/No

Internet: Yes/No

Neutral Citation: Yes/No

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- 1.The Sessions Judge, Special Judge for Trial of Cases Registered under SC/ST (POA) Act, Namakkal
- 2.The Judicial Magistrate Court, Rasipuram.



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M.NIRMAL KUMAR, J.

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