



Crl.R.C.No.805 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.08.2025

CORAM:

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

Crl.R.C.No.805 of 2023

Benny @ Benny J Samraj Petitioner
Vs
Mano Messaque Respondent

PRAYER: Criminal Revision Case is filed under Sections 397 & 401 of Cr.P.C., praying to call for the records and set aside the conviction and sentence passed by the learned Judicial Magistrate, Maduranthakam passed in CC.No.132 of 2018 dated 21.01.2021 convicting the petitioner herein under Section 138 of the Negotiable Instruments Act and sentencing him to undergo six months RI and to pay a fine of Rs.20,00,000/- (double the amount of cheque amount Rs.10,00,000/- under Section 357 Cr.P.C., which was confirmed by the learned Principal District and Sessions Judge of Kancheepuram District at Chengalpattu in CA.No.4 of 2021 dated 10.04.2023.

For Petitioner : Mr.T.R.Ravi

For Respondent : No appearance

ORDER

This Criminal Revision Case has been filed against the order of conviction and sentence passed by the learned Judicial Magistrate,



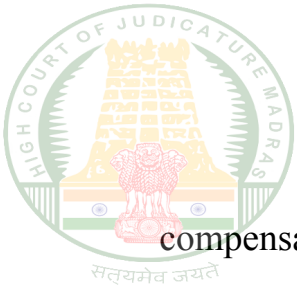
Crl.R.C.No.805 of 2023

Maduranthakam in CC.No.132 of 2018 dated 21.01.2021 thereby convicting

the petitioner under Section 138 of the Negotiable Instruments Act and sentencing him to undergo six months rigorous imprisonment with fine of Rs.20,00,000/- i.e. double the cheque amount under Section 357 Cr.P.C., which was confirmed by the learned Principal District and Sessions Judge of Kancheepuram District at Chengalpattu in CA.No.4 of 2021 dated 10.04.2023.

2. The respondent lodged complaint against the petitioner for the offence punishable under Section 138 of NI Act alleging that the petitioner borrowed a sum of Rs.10,00,000/- for his family expenses and in order to repay the said amount, he issued cheque. It was presented for collection and however, it was returned as 'funds insufficient'. Therefore, the respondent sent legal notice and proceedings under Section 138 of NI Act was initiated.

3. In order to prove the complaint, the respondent had examined himself as PW1 and marked Ex.P1 to Ex.P5. On the side of the petitioner, he had examined himself as DW1 and marked Ex.D1. On perusal of oral and documentary evidences, the trial court found the petitioner guilty for the offence punishable under Section 138 of NI Act and he was sentenced to undergo six months rigorous imprisonment. The trial court also awarded



Crl.R.C.No.805 of 2023

compensation to the tune of double the cheque amount, payable by the petitioner. Aggrieved by the same, the petitioner preferred appeal and the same was dismissed, thereby confirming the judgment of the trial court. Hence, the present criminal revision case has been filed by the accused.

4. However, pending the criminal revision case, the petitioner intended to settle the entire cheque amount. Today, he produced a copy of demand draft dated 29.07.2025 for Rs.10,00,000/- before this Court. Though the respondent engaged counsel and his name has been printed in the cause list, he did not appear before this court today. Therefore, this Court is of the view that the petitioner can deposit the aforesaid demand draft before the trial court and on such deposit, the conviction and sentence imposed by the trial court may be set aside.

5. Accordingly, the judgment passed by the learned Judicial Magistrate, Maduranthakam in CC.No.132 of 2018 dated 21.01.2021 and the judgment passed by the learned Principal District and Sessions Judge of Kancheepuram District at Chengalpattu in CA.No.4 of 2021 dated 10.04.2023, are set aside on condition that the petitioner shall deposit the aforesaid demand draft for Rs.10,00,000/- to the credit of CC.No.132 of 2018 on or before



Crl.R.C.No.805 of 2023

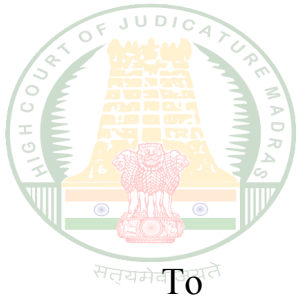
08.09.2025. On such deposit, the respondent is at liberty to withdraw the said

amount by way of filing an application before the trial court. It is made clear that the trial court shall permit the respondent to withdraw the amount without ordering notice to the petitioner. If the petitioner fails to deposit the demand draft, the order passed by this Court shall stand automatically cancelled and the impugned orders shall stand automatically restored and the respondent shall be at liberty to take appropriate steps to secure the petitioner to undergo the remaining period of sentence as imposed by the trial court and the appellate court.

6. In the result, this criminal revision case stands allowed.

26.08.2025
(2/2)

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
lok
Note: Issue order copy on 02.09.2025



Crl.R.C.No.805 of 2023

To

WEB COPY

1.The learned Judicial Magistrate,

Maduranthakam

2.The learned Principal District and Sessions Judge of Kancheepuram District
at Chengalpattu



WEB COPY



Crl.R.C.No.805 of 2023

G.K.ILANTHIRAIYAN, J.
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Crl.R.C.No.805 of 2023

26.08.2025

(2/2)