



Crl.R.C.No.1886 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.07.2025

CORAM:

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

Crl.R.C.No.1886 of 2023 and
Crl.MP.Nos.17596 & 17598 of 2023

K.Sankarram

..... Petitioner

Vs.

T.Krishnamurthy

..... Respondent

PRAYER:

Criminal Revision Case is filed under Sections 397 r/w 401 of Cr.P.C., praying to set aside the judgment dated 18.02.2023 made in CA.No.47 of 2022 on the file of the Court of the I Additional District and Sessions Judge, Coimbatore, confirming the judgment dated 21.06.2022 made in STC.No.3820 of 2017 on the file of the Judicial Magistrate No.1, Pollachi.

For Petitioner : Mr.R.Nandha Kumar

For Respondent : No appearance

ORDER



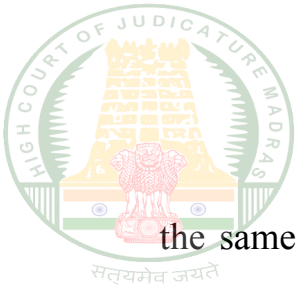
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This criminal revision case has been filed against the judgment dated 18.02.2023 passed in CA.No.47 of 2022 on the file of the Court of the I Additional District and Sessions Judge, Coimbatore, confirming the judgment dated 21.06.2022 passed in STC.No.3820 of 2017 on the file of the Judicial Magistrate No.1, Pollachi.

2. The petitioner is the accused in the complaint lodged by the respondent for the offence punishable under Section 138 of NI Act alleging that the petitioner borrowed a sum of Rs.4,00,000/- from the respondent and he executed a promissory notice. After repeated demands, the petitioner issued a cheque for the said sum and the same was presented for collection. However, it was returned for the reason 'account dormant'. Though the respondent caused statutory notice, it was returned unclaimed. Hence, the aforesaid complaint.

3. 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 sentenced him to undergo three months simple imprisonment with fine of Rs.5,00,000/- to be awarded as compensation to the complainant. Aggrieved by



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the same, the petitioner preferred appeal and the same was dismissed and the order of conviction and sentence imposed by the trial court was confirmed, against which the present criminal revision case has been filed.

4. Today, by producing a memorandum of understanding dated 26.12.2023 entered between the parties, before this Court, the learned counsel for the petitioner submits that pending this criminal revision case, the petitioner paid the entire cheque amount to the respondent and the parties have settled the issue between them amicably.

5. Recording the above submission, this Court is inclined to set aside the impugned judgments. Accordingly, the judgment dated 18.02.2023 passed in CA.No.47 of 2022 on the file of the Court of the I Additional District and Sessions Judge, Coimbatore and the judgment dated 21.06.2022 passed in STC.No.3820 of 2017 on the file of the Judicial Magistrate No.1, Pollachi are set aside. The petitioner is acquitted of all the charges under Section 138 of NI Act.

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



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Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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To

1. I Additional District and Sessions Judge, Coimbatore

2. The Judicial Magistrate No.1, Pollachi.

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G.K.ILANTHIRAIYAN, J.



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