



CrI.R.C.No.592 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.08.2025

CORAM:

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

CrI.R.C.No.592 of 2025
and CrI.M.P.No.15999 of 2025

Bharakathnisha

... Petitioner

Vs.

Venkatesan

... Respondent

PRAYER: Criminal Revision has been filed under Section 438 r/w 442 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying to call for the records in connection with the order dated 01.02.2025 in Criminal Appeal No.17 of 2023 passed by the learned Principal District and Sessions Judge, Thiruvarur, confirming the order passed in S.T.C.No.1343 of 2014 dated 20.04.2023 by the learned Judicial Magistrate I, Mannargudi and set aside the same as illegal and improper.

For Petitioner : Mr.B.Jawahar

For Respondent : Mr.Elumalai
For Mr.S.Ayyathurai

ORDER

This Criminal Revision has been preferred as against the judgments dated 01.02.2025, passed by the learned Principal District and Sessions Judge, Thiruvarur, in C.A.No.17 of 2023, confirming the order dated

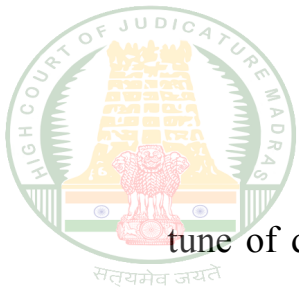


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20.04.2023 passed by the learned Judicial Magistrate I, Mannargudi, in S.T.C.No.1343 of 2014, thereby convicting the petitioner for the offence punishable under Section 138 of the Negotiable Instruments Act (hereinafter referred to as “the NI Act”) .

2. The petitioner is an accused in the complaint lodged by the respondent for the offence punishable under Section 138 of the NI Act, alleging that the petitioner borrowed a sum of Rs.4,85,000/- and in order to repay the same, he issued a cheque. The said cheque was presented for collection and the same 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.1343 of 2014.

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.5. 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 24 months simple imprisonment and to pay a compensation to the



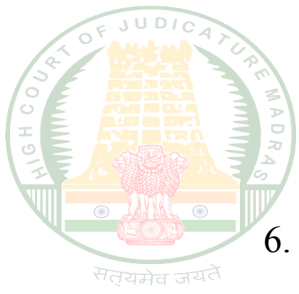
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tune of doubled the cheque amount to the respondent, in default, to undergo further period of six months simple imprisonment. Aggrieved by the same, the petitioner preferred an appeal and the same was also dismissed by confirming the conviction and sentence imposed by the trial Court. Hence, the petitioner filed the present revision.

4. While pending the revision, the petitioner filed petition for suspension of sentence and the same was allowed by this Court on condition that the petitioner shall deposit entire cheque amount after deducting the amount which was already deposited by the petitioner, if any, to the credit of S.T.C.No.1343 of 2014. Accordingly, the petitioner deposited the amount and complied the condition imposed by this Court. While being so, the respondent filed a petition in CrI.M.P.No.15999 of 2025 seeking permission to withdraw the said amount.

5. On instruction, the learned counsel appearing for the petitioner submitted that the petitioner has no objection to withdraw the entire amount by the respondent on condition that the said amount is a full and final settlement.



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6. Considering the above submissions and also other facts and circumstances, this Court is inclined to set aside the order passed by the Courts below. Accordingly, the conviction and sentence imposed on the petitioner in the judgment dated 01.02.2025, passed by the learned Principal District and Sessions Judge, Thiruvavur, in C.A.No.17 of 2023, confirming the order dated 20.04.2023 passed by the learned Judicial Magistrate I, Mannargudi, in S.T.C.No.1343 of 2014, are hereby set aside. The petitioner is acquitted from all the charges in S.T.C.No.1343 of 2014 under Section 138 of the NI Act. The respondent is permitted to withdraw the entire amount which was already deposited by petitioner to the credit of S.T.C.No.1343 of 2014 before the trial Court by way of filing proper application. It is also made clear that the trial Court is directed to permit the respondent to withdraw the amount without ordering notice to the petitioner.

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

22.08.2025

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



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To

1. The Principal District and Sessions Judge,
Thiruvavarur,
2. The Judicial Magistrate I,
Mannargudi.



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G.K.ILANTHIRAIYAN. J,

rts

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