



Crl.R.C.No.601 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.07.2025

CORAM:

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

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N.S.Malathi

... Petitioner

Vs

R.Tamilselvi

... Respondent

PRAYER: Criminal Revision Case is filed under Sections 438 r/w 442 of BNSS, 2023 to set aside the conviction imposed in the Judgment dated 05.03.2025 made in C.A.No.230 of 2023 on the file of the learned III Additional District and Sessions Judge, Gobichettipalayam, confirming the judgment dated 19.06.2023 made in STC No.1370 of 2017 on the file of the learned Judicial Magistrate, No.I, Gobichettipalayam.

For Petitioner : Mr.N.Manoharan

For Respondent : No appearance

ORDER

This Revision has been filed as against the Judgment passed in C.C.No.230 of 2023 on the file of the learned III Additional District and Sessions Judge, Gobichettipalayam dated 05.03.2025 thereby confirming the order of conviction and sentence imposed by the trial court dated 19.06.2023

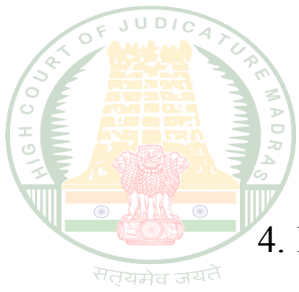


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passed in STC No.1370 of 2017 on the file of learned Judicial Magistrate No.I,
Gobichettipalayam for the offence punishable under Section 138 of Negotiable
Instruments Act.

2. Heard the learned counsel appearing for the petitioner and perused the documents placed on record.

3. The petitioner is an accused in the complaint lodged by the respondent for offence punishable under Section 138 of Negotiable Instruments Act and the same was confirmed by the appellate Court. While suspending the sentence, this Court, directed the petitioner to deposit entire cheque amount after deducting the amount, which was already deposited to the credit of the trial court in STC No.1370 of 2017. Accordingly, now the petitioner had paid a sum of Rs.2,80,000/-, i.e., the entire cheque amount after deducting the amount, which was deposited to the credit of the trial court. The petitioner has also produced acknowledgment for the receipt of the amount by the respondent. Though notice sent through court as well as privately to the respondent was served and name has been printed in the cause list, there is no representation for the respondent, either through learned counsel or in-person.



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4. In view of the above, the conviction and sentence imposed by the trial

court and confirmed by the appellate court is liable to be set aside.

Accordingly, the same is set aside. It is made clear that the respondent is at liberty to withdraw the amount, which was already deposited by the petitioner from the credit of STC No.1370 of 2017 by way of proper application and the trial court is directed to permit the respondent to withdraw the amount, with accrued interest, if any, which was deposited by the petitioner without ordering notice to the petitioner.

5. Accordingly, the present Criminal Revision is allowed. The appellant is acquitted of all charges in STC No.1370 of 2017 on the file of the learned Judicial Magistrate No.I, Gobichettipalayam. The bail bonds, if any executed, shall stand cancelled.

15.07.2025

Index : Yes/No;

Neutral citation : Yes/No

Speaking/non-speaking order

ssd



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G.K.ILANTHIRAIYAN, J.

ssd

To

1. The III Additional District and Sessions Judge,
Gobichettipalayam
2. The Judicial Magistrate No.I,
Gobichettipalayam
2. The Public Prosecutor,
Madras High Court, Chennai.

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