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Crl.R.C.No.612 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2025

CORAM :

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

Crl.R.C.No.612 of 2025

A.Pownraj

... Petitioner

Vs.

R.Anguraj

... Respondent

Prayer : Criminal Revision Case filed under Section 438 r/w 442 of BNSS, pleaded to set aside the conviction imposed in the judgment dated 04.03.2025 made in C.A.No.165 of 2023 on the file of the I Additional District and Sessions Judge, Tiruppur, confirming the judgment dated 12.06.2023 made in S.T.C.No.2650 of 2019 on the file of the learned Judicial Magistrate, (Fast Track Court), Tiruppur by allowing this Revision.

For Petitioner : Mr.K.Sudhakar

For Respondent : No appearance

ORDER

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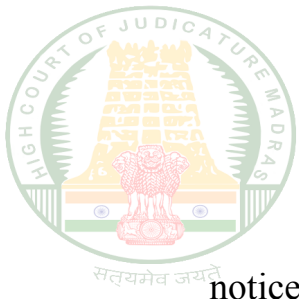


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This Criminal Revision Case has been preferred against the judgment dated 04.03.2025 passed in C.A.No.165 of 2023 by the learned I Additional District and Sessions Judge, Tiruppur, thereby confirming the judgment dated 12.06.2023 passed in S.T.C.No.2650 of 2019 by the learned Judicial Magistrate, (Fast Track Court), Tiruppur.

2. The petitioner is the accused in the complaint lodged by the respondent/complainant for the offence punishable under Section 138 of Negotiable Instruments Act (in short 'the NI Act') alleging that the petitioner borrowed a sum of Rs.75,000/- on 10.10.2018 as a hand loan for his business and family expenses and on the same day, assured to repay the amount within three months and to discharge the said liability, he issued a post dated cheque bearing No.000210 dated 02.02.2019 drawn on Karur Vysya Bank, Kumaran Road, Tiruppur Branch for a sum of Rs.75,000/- in favour of the respondent. When the said cheque was presented on 02.02.2019 for collection, the same was returned on 04.02.2019 with an endorsement "Funds Insufficient". Against the said dishonour, the respondent issued a legal notice to the petitioner dated 02.03.2019 demanding to pay the cheque amount. In spite of the service of



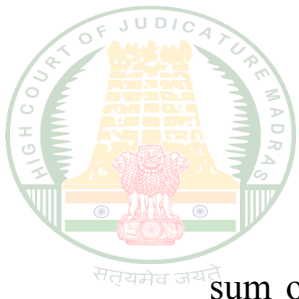
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notice on 05.03.2019, the petitioner has neither come forward to repay the said amount nor sent any reply to the said notice. Hence, the respondent has filed a complaint under Section 138 of NI Act on the file of Judicial Magistrate, (Fast Track Court), Tiruppur in S.T.C.No.2650 of 2019.

3. After elaborate discussions, the trial court convicted the petitioner u/s 138 of the NI Act and sentenced him to undergo simple imprisonment for six (6) months and to pay the cheque amount of Rs.75,000/- within one (1) month, in default to pay the said amount, sentenced to undergo simple imprisonment for a further period of one (1) month. Challenging the same, the petitioner has filed an appeal in C.A.No.165 of 2023 before the learned I Additional District and Sessions Judge, Tiruppur and the learned Sessions Judge, vide judgment dated 04.03.2025, dismissed the appeal by confirming the conviction and sentence passed by the learned Judicial Magistrate, (Fast Track Court), Tiruppur. Aggrieved by the same, the present revision is filed.

4. The learned counsel for the petitioner submitted that the total cheque amount is Rs.75,000/-, in which, already the petitioner had paid a



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sum of Rs.45,000/- to the respondent. Insofar as the remaining amount, he has sought for four (4) weeks time to settle the entire cheque amount.

5. It is seen that already there was an amicable settlement in between the parties, in which the petitioner paid a sum of Rs.45,000/- out of Rs.75,000/-. Insofar as the remaining amount is concerned, the petitioner has sought for four (4) weeks time period to settle the same. In view of the settlement arrived at between the parties, the conviction and sentence imposed on the petitioner/accused by the Trial Court in S.T.C.No.2650 of 2019 and confirmed by the appellate court in C.A.No.165 of 2023 are set aside and the revision petitioner/accused is acquitted from all the charges levelled against him.

6. Accordingly, the Criminal Revision Case is allowed on condition that the petitioner shall pay the remaining cheque amount of Rs.30,000/- (Rupees Thirty Thousand only) directly to the respondent on or before 28.07.2025. It is made clear that if the petitioner fails to make the payment within the prescribed time, the conviction and sentence imposed by the Trial Court and confirmed by the Appellate Court shall



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automatically stand restored and the jurisdictional police is at liberty to secure the petitioner/accused in the manner known to law to comply the order of the Trial Court as well as the Appellate Court.

30.06.2025

Index : Yes / No
Speaking order / Non-speaking order
NCC : Yes / No
sp

To

- 1.The I Additional District and Sessions Judge, Tiruppur.
- 2.The Judicial Magistrate, (Fast Track Court), Tiruppur.



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G.K.ILANTHIRAIYAN, J.

sp

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