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Crl.R.C.No.620 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.620 of 2025
and
Crl.M.P.No.10087 of 2025

Ramalingam

... Petitioner

Vs.

Sakthivel

... Respondent

Prayer : Criminal Revision Case filed under Section 438 r/w 442 of BNSS, pleaded to set aside the impugned order of conviction and sentence passed by the learned III Additional District Sessions Judge, Kallakurichi made in Crl.A.No.32 of 2022 dated 05.02.2024 by confirming the order of conviction and sentence passed by the learned Judicial Magistrate, Fast Track Court, Kallakurichi in C.C.No.141 of 2019 dated 12.09.2022 and the petitioner may be acquitted from the charges.

For Petitioner : Mr.G.Balamanikandan

For Respondent : Mr.M.Santhanaraman



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ORDER

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This Criminal Revision Case has been preferred against the judgment dated 05.02.2024 passed in Crl.A.No.32 of 2022 by the learned III Additional District Sessions Judge, Kallakurichi, thereby confirmed the conviction and sentence u/s 138 of Negotiable Instruments Act imposed vide order dated 12.09.2022 passed in C.C.No.141 of 2019 by the learned Judicial Magistrate, Fast Track Court, Kallakurichi.

2. The petitioner is the accused in the complaint lodged by the respondent for the offence punishable under Section 138 of Negotiable Instruments Act (in short 'the NI Act') alleging that the petitioner is a friend of the respondent and due to the relationship, the petitioner borrowed a sum of Rs.7,00,000/- on 11.05.2018 for his family urgent needs and assured to repay the same within two months. However, he failed to do so, therefore, on 14.07.2019, the respondent approached the petitioner for repayment and the petitioner had issued a cheque bearing No.976306 dated 14.07.2019 drawn on Bharath Bank, Thirukovilur Branch for a sum of Rs.7,00,000/-. When the said cheque was presented on 31.07.2019 for collection, the same was returned on 02.08.2018 with an endorsement "Funds Insufficient". Against the said dishonour, the



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respondent sent the legal notice dated 13.08.2019 to the office address of the petitioner, which was returned with an endorsement 'the petitioner was in medical leave' and the legal notice sent to the residential address of the petitioner was returned with an endorsement 'refused'. Hence, the respondent has filed a complaint u/s 138 of NI Act on the file of Judicial Magistrate, Fast Track Court, Kallakurichi in C.C.No.141 of 2019.

3. After elaborate discussions, the trial court convicted the petitioner u/s 138 of the N.I. Act and sentenced him to undergo rigorous imprisonment for one year and to pay a compensation of Rs.7,00,000/- to the respondent vide order dated 12.09.2022. Challenging the same, the petitioner has filed an appeal in Criminal Appeal No.32 of 2022 before the learned III Additional District and Sessions Judge, Kallakurichi and the learned Sessions Judge, vide judgment dated 05.02.2024, dismissed the appeal by confirming the conviction and sentence passed by the learned Judicial Magistrate, Fast Track Court, Kallakurichi. Aggrieved by the same, the present revision is filed.

4. The learned counsel for the petitioner submitted that the total cheque amount is Rs.7,00,000/-, in which, already the petitioner had



deposited a sum of Rs.3,50,000/- before the Trial Court. Insofar as the remaining amount, he has sought for four (4) weeks time to settle the entire cheque amount.

5. The learned counsel for the respondent would submit that the CC is of the year 2019 and as such, he sought for some interest for the cheque amount.

6. It is seen that already there was an amicable settlement in between the parties, in which the petitioner had already deposited a sum of Rs.3,50,000/- out of Rs.7,00,000/- before the Trial Court. Insofar as the remaining amount is concerned, the petitioner has sought for four 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 C.C.No.141 of 2019 and confirmed by the appellate court in C.A.No.32 of 2022 are set aside and the revision petitioner/accused is acquitted from all the charges levelled against him.



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7. Accordingly, the Criminal Revision Case is allowed on condition that the petitioner shall pay the remaining cheque amount of Rs.3,50,000/- (Rupees Three Lakhs Fifty 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 automatically stand restored and the jurisdictional police is at liberty to secure the petitioner in the manner known to law to comply the order of the Trial Court as well as the Appellate Court. Further, the Trial is directed to permit the respondent to withdraw the amount which was already deposited by the petitioner to the tune of Rs.3,50,000/- before the Trial Court, without ordering any notice to the petitioner herein. Consequently, the connected miscellaneous petition is closed.

30.06.2025

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

To

- 1.The III Additional District Sessions Judge, Kallakurichi.
- 2.The Judicial Magistrate, Fast Track Court, Kallakurichi.



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G.K.ILANTHIRAIYAN, J.

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