



Crl.R.C.No.1269 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED: 24.06.2025

CORAM:

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

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Thangavel

... Petitioner

Vs.

E.Muthusamy

... Respondent

PRAYER: Criminal Revision Case has been filed under Section 397 r/w. 401 of Cr.P.C., praying to call for records and set aside the conviction and sentence imposed in the judgment dated 22.06.2023 made in Crl.A.No.36 of 2020 on the file of II Additional District and Sessions Judge, Namakkal at Tiruchengode confirming the judgment dated 12.02.2020 made in S.T.C.No.248 of 2017 on the file of the Judicial Magistrate/FTC, Tiruchengode by allowing this Criminal Revision Petition.

For Petitioner : Mr.Ranjithkumar
For Mr.R.Prabakar

ORDER

This Criminal Revision Case has been preferred against the judgment dated 22.06.2023, passed by the learned II Additional District and Sessions Judge, Namakkal, Tiruchengode, in Crl.A.No.36 of 2020, confirming the order dated 12.02.2020, passed by the learned Judicial Magistrate/FTC, Tiruchengode, in S.T.C.No.248 of 2017, thereby convicting the petitioner for



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the offence punishable under Section 138 of the Negotiable Instruments Act
(hereinafter referred to as “the NI Act”)

2. The petitioner is the accused in the complaint lodged by the respondent for the offence punishable under Section 138 of the NI Act. After full fledged trial, the trial Court convicted the petitioner for the offence punishable under Section 138 of the NI Act, and sentenced him to undergo one year simple imprisonment and also awarded compensation of Rs.1,92,000/- payable by the petitioner in default to undergo one month 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 present revision.

3. The learned counsel appearing for the petitioner submitted that while suspending the sentence of the petitioner, this Court by an order dated 19.07.2023 in Crl.M.P. No.10212 of 2023 in Crl.R.C.No.1269 of 2023, imposed condition that the petitioner shall deposit a sum of Rs.1,00,000/- to the credit of trial court. Accordingly, the petitioner had deposited the sum of Rs.1,00,000/- to the credit of S.T.C.No.248 of 2017 on the file of the learned Judicial Magistrate, Fast Track Court, Tiruchengode, on 09.08.2023. He further



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submitted that the cheque amount is only Rs.96,000/- and hence he prayed to set aside the conviction and sentence.

4. Considering the above submissions, the conviction and sentence imposed on the petitioner cannot be sustained and liable to be set aside. Accordingly, the judgment dated 22.06.2023, passed by the learned II Additional District and Sessions Judge, Namakkal, Tiruchengode, in Crl.A.No.36 of 2020, and the order dated 12.02.2020, passed by the learned Judicial Magistrate/FTC, Tiruchengode, in S.T.C.No.248 of 2017 are hereby set aside. The petition is acquitted of all charges in S.T.C.No.248 of 2017. Bail bonds, if any executed, shall stand cancelled. The trial Court is directed to permit the respondent to withdraw the amount which was already deposited by the petitioner with accrued interest, if any, on filing proper application, without ordering any notice to the petitioner.

5. Accordingly, the Criminal Revision Case stands allowed.

24.06.2025

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

G.K.ILANTHIRAIYAN. J.



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rts

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To

1. The II Additional District and Sessions Judge,
Namakkal, Tiruchengode.
2. The Judicial Magistrate/FTC,
Tiruchengode.

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24.06.2025