

Crl.RC.No.1007 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 08.07.2025

CORAM:

THE HON'BLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.RC.No.1007 of 2025
and Crl.M.P.No.13383 of 2025

1. M/s.Garuda & Co.,
No.16/2, Sattanna Naicken Street,
Choolai, Chennai – 600 112.

2. Raasi Raju Sekher

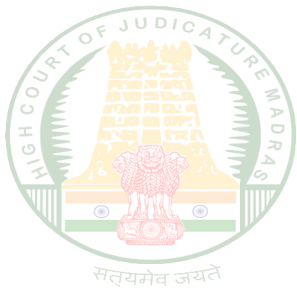
...Petitioner

Vs.

1. Yasmeeen Daleel
2. Daleel Ahmed

... Respondents

PRAYER: Criminal Revision Petition filed under Section 442 of BNSS, 2023, to set aside the judgment dated 29.04.2025 passed in Crl.A.No.704 of 2023 by the learned XXII Additional Sessions Judge, City Civil Court, Chennai, thereby confirmed the order of conviction of sentence passed in S.T.C.No.4896 of 2021 dated 18.10.2023 by the learned XXV Metropolitan Magistrate Court, Egmore, Chennai – 600 008.



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Crl.RC.No.1007 of 2025

For Petitioner : Mr.Krishnasamy R

For Respondent : Mr.S.Senthilnathan

ORDER

This Criminal Revision has been filed as against the judgment dated 29.04.2025 passed in Crl.A.No.704 of 2023 by the learned XXII Additional Sessions Judge, City Civil Court, Chennai, thereby confirmed the order of conviction of sentence passed in S.T.C.No.4896 of 2021 dated 18.10.2023 by the learned XXV Metropolitan Magistrate Court, Egmore, Chennai – 600 008.

2. The petitioner is an accused in the complaint lodged by the respondent for the offence under Section 138 of NI Act alleging that the second petitioner had borrowed a sum of Rs.6,00,000/- as hand loan for his daughter's marriage. In order to repay the said amount the respondent issued a cheque for a sum of Rs.6,00,000/-. It was presented for collection and the same was returned dishonoured for the reason “Refer the Drawer”. After causing statutory notice, the respondent filed a complaint.

3. On the side of the respondent, he had examined P.W.1 and marked



Crl.RC.No.1007 of 2025

Exs.P1 to P5. On the side of the petitioner no one was examined and no documents were marked. On perusal of the oral and documentary evidence, the trial Court found the petitioner guilty for the offence punishable under Section 138 NI Act and sentenced him to 6 months imprisonment and also awarded compensation to the tune of the cheque amount. Aggrieved over the same the petitioner preferred an appeal and the same was also dismissed and confirmed the order of conviction and sentence imposed by the trial Court. Aggrieved by the same the present revision has been filed.

4. The learned counsel for the petitioner submitted that even before the appellate Court the petitioner filed an application under Section 147 of NI Act to compound the offence on the ground that the petitioner had paid a sum of Rs.4,18,000/- and apart from that Rs.1,25,000/- is now lying with the credit of the trial Court in STC No.4896/2021 on the file of the XXV Metropolitan Magistrate Court, Egmore, Chennai. However, the appeal was dismissed and confirmed the order of conviction imposed by the trial Court.

5. On perusal of the records it is seen that so far the petitioner had

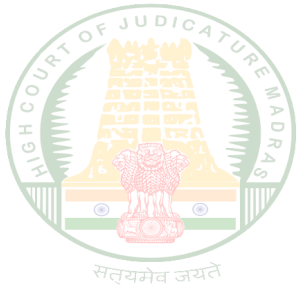


Crl.RC.No.1007 of 2025

WEB COPY

paid a sum of Rs.4,18,000/- and apart from that another Rs.1,25,000/- is lying with the credit of trial Court in STC No.4896/2021. However, the petitioner is in due of amounts of other two cheques and it is in notice stage and it is no way connected to the present case as the petitioner the petitioner had already settled the cheque amount.

6. In view of the same the judgment dated 29.04.2025 passed in Crl.A.No.704 of 2023 by the learned XXII Additional Sessions Judge, City Civil Court, Chennai and the judgment passed in S.T.C.No.4896 of 2021 dated 18.10.2023 by the learned XXV Metropolitan Magistrate Court, Egmore, Chennai – 600 008 are liable to be set aside. The respondents are permitted to withdraw the amount which is lying in the credit of the trial Court in STC No.4896/2021 by way of application. It is also made clear that the trial Court shall permit the respondents to withdraw the same without issuing notice to the petitioner.



Crl.RC.No.1007 of 2025

7. Accordingly, this Criminal Revision Case is allowed. Connected

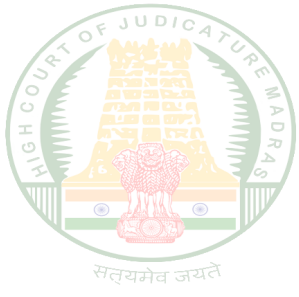
miscellaneous petition is closed.

08.07.2025

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

To

1. XXII Additional Sessions Judge, City Civil Court, Chennai,
2. XXV Metropolitan Magistrate Court, Egmore, Chennai – 600
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Crl.RC.No.1007 of 2025

G.K.ILANTHIRAIYAN, J.

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Crl.RC.No.1007 of 2025

08.07.2025