



Crl.R.C.No.1219 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.07.2025

CORAM:

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

Crl.R.C.No.1219 of 2025

P.Venkatesan

..... Petitioner

Vs

E.Rajasekar

..... Respondent

PRAYER:

Criminal Revision Case filed under Section 438 r/w 442 of BNSS, 2023, praying to set aside the judgment dated 18.09.2024 passed in CA.No.74 of 2022 on the file of the District and Sessions Judge, Tirupattur, Tirupattur District confirming the judgment dated 11.04.2022 passed in STC.No.274 of 2015 on the file of the Judicial Magistrate, Vaniyambadi.

For Petitioner : Mr.P.A.Sudesh Kumar

For Respondent : Mr.M.Prem Kumar

ORDER

This Criminal Revision Case has been preferred against the judgment dated 18.09.2024 passed in CA.No.74 of 2022 on the file of the



Crl.R.C.No.1219 of 2025

District and Sessions Judge, Tirupattur, Tirupattur District, thereby confirming

the judgment dated 11.04.2022 passed in STC.No.274 of 2015 on the file of the Judicial Magistrate, Vaniyambadi for the offence punishable under Section 138 of NI Act.

2. The petitioner is the accused in the complaint lodged by the respondent for the offence punishable under Section 138 of NI Act alleging that the petitioner issued cheque in order to repay the amount due in favour of the respondent. The cheque was presented for collection. However, it was returned dishonoured for the reason 'funds insufficient'. After causing statutory notice, the respondent lodged complaint and the same was taken cognizance by the trial court.

3. In order to prove the complaint, the respondent examined PW1 to PW3 and marked Ex.P1 to Ex.P7. On the side of the petitioner, he had examined himself as PW1 and marked Ex.D1 to Ex.D3. On perusal of oral and documentary evidences, the trial court found the petitioner guilty for the offence punishable under Section 138 of NI Act and sentenced him to undergo six months simple imprisonment. Further, the petitioner was ordered to pay compensation to the tune of double the cheque amount. Aggrieved by the order



Crl.R.C.No.1219 of 2025

of conviction and sentence, the petitioner preferred appeal and the same was

dismissed confirming the judgment of the trial court. Therefore, the present criminal revision case has been filed.

4. Pending this criminal revision case, the petitioner and the respondent settled the issue amicably and they also entered into joint memo of compromise dated 26.07.2025 to compound the offence. Accordingly, the matter has been settled between them. Also, the respondent appeared before this Court and he has no objection to set aside the conviction and sentence imposed the courts below.

5. In view of the above, the judgment dated 18.09.2024 passed in CA.No.74 of 2022 on the file of the District and Sessions Judge, Tirupattur, Tirupattur District and the judgment dated 11.04.2022 passed in STC.No.274 of 2015 on the file of the Judicial Magistrate, Vaniyambadi, are set aside. The joint compromise memo dated 26.07.2025 shall form part and parcel of this order. It is made clear that whatever the amount lying before the trial court to the credit of STC.No.274 of 2015 on the file of the learned Judicial Magistrate, Vaniyambadi, Tirupattur District, the respondent is permitted to withdraw the same by way of application and in this regard, the trial court is directed to



Crl.R.C.No.1219 of 2025

permit the respondent to withdraw the aforesaid amount without ordering any

WEB COPY notice to the petitioner.

6. In the result, this criminal revision case stands allowed.

28.07.2025

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



Crl.R.C.No.1219 of 2025

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To

- 1.The District and Sessions Judge, Tirupattur, Tirupattur District
- 2.The Judicial Magistrate, Vaniyambadi.



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Crl.R.C.No.1219 of 2025

G.K.ILANTHIRAIYAN, J.

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Crl.R.C.No.1219 of 2025

28.07.2025