



Crl.RC.No.1018 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.1018 of 2025
and Crl.M.P.No.13433 of 2025

Mr.S.Sakthivel
S/o. Sadasivam,
Head Master,
Government Higher Secondary School,
Sevalpatti Village,
Thenkaithinnappatti P.O.,
Pudukottai TK – 621 316.

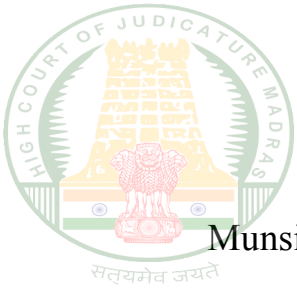
...Petitioner

Vs.

P.Sundararajan
S/o. Periya Samy
D.No.100 East Street,
Edayakkurichi Village,
Andimadam TK,
Ariyalur District.

... Respondent

PRAYER: Criminal Revision Petition filed under Section 438 r/w. 442 of BNSS, 2023, to allow the Criminal Revision and set aside the order dated 04.06.2025 in Crl.Appeal No.13 of 2024 on the file of the learned Sessions Judge, Fast Track Mahila Court at Ariyalur as dismissed for default in STC No.1 of 2023 order dated 30.05.2024 on the file of the learned District



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Munsif cum Judicial Magistrate Court at Sendurai.

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For Petitioner : Mr.D.Dhayalan

ORDER

This Criminal Revision has been filed as against the order dated 04.06.2025 made in Crl.Appeal No.13 of 2024 on the file of the learned Sessions Judge, Fast Track Mahila Court at Ariyalur, thereby dismissing the appeal for default.

2. The petitioner is an accused in a complaint lodged by the respondent under Section 138 of NI Act. After full fledged trial, the trial Court convicted the petitioner for the offences punishable under Section 138 of NI Act and sentenced him to undergo six months simple imprisonment and also awarded compensation. Aggrieved by the same the petitioner has preferred an appeal in C.A.No.13/2024 and the appellate Court has dismissed the appeal for default on the ground that the petitioner and his counsel was called absent and there was no representation.



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3. The appeal as against the order of conviction cannot be dismissed

for default as the accused who had already suffered conviction and sentence for the offence punishable under Section 138 of NI Act as imposed by the trial Court. In view of the same, the judgment passed by the appellate Court cannot be sustained and the same is liable to be set aside.

4. In pursuant of dismissal of the appeal filed by the petitioner, he was arrested and remanded to judicial custody on 19.06.2025 to comply the conviction and sentence imposed by the trial Court. Now he is confined at Central Prison, Trichy.

5. In the result, this Criminal Revision Case is allowed and the judgment dated 04.06.2025 made in Crl.Appeal No.13 of 2024 on the file of the learned Sessions Judge, Fast Track Mahila Court at Ariyalur, is hereby set aside and the appeal filed by the petitioner in Crl.Appeal No.13 of 2024 on the file of the learned Sessions Judge, Fast Track Mahila Court, Ariyalur and the order of suspension passed by the appellate Court are restored. The learned Sessions Judge, Fast Track Mahila Court at Ariyalur, is directed to issue fresh notice to the parties and dispose the Criminal Appeal on merits



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and in accordance with law. The petitioner is directed to be set at liberty

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forthwith. In view of the above, the connected miscellaneous petition is

closed.

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Index : Yes/No

Speaking/non-speaking order

Note to Office: Issue order copy by today.

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- To
1. The Sessions Judge, FTMC, Ariyalur.
 2. The District Munsif cum Judicial Magistrate Court, Sendurai.
 3. The Superintendent, Central Prison, Trichy.



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G.K.ILANTHIRAIYAN, J.

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