



Crl.R.C.No.1204 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.07.2025

CORAM:

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

Crl.R.C.No.1204 of 2025 and
Crl.MP.No.14439 of 2025

K.Rasu

..... Petitioner

Vs

V.Sivalingam

..... Respondent

PRAYER:

Criminal Revision Case filed under Section 438 r/w 442 of BNSS, 2023, praying to call for the records relating to the judgment passed by the III Additional District and Sessions Judge, Coimbatore District in Crl.A.No.41 of 2022, dated 24.02.2025, thereby dismissing the appeal and confirming the order of Judicial Magistrate, Sulur dated 21.06.2022 in CC.No.140 of 2018 and convicting this petitioner/appellant/accused for offence under Section 138 of Negotiable Instruments Act and set aside the same and allow the revision.

For Petitioner : Mr.S.Raghuman

Respondent
in person : Mr.V.Sivalingam,



Crl.R.C.No.1204 of 2025

WEB COPY

ORDER

This Criminal Revision Case has been filed against the judgment passed by the learned III Additional District and Sessions Judge, Coimbatore District in Crl.A.No.41 of 2022 dated 24.02.2025, thereby confirming the order of the learned Judicial Magistrate, Sulur dated 21.06.2022 in CC.No.140 of 2018, thereby convicting the petitioner for the offence under Section 138 of Negotiable Instruments Act.

2. The respondent lodged complaint against the petitioner for the offence punishable under Section 138 of NI Act alleging that the petitioner borrowed a sum of Rs.2,50,000/- and in order to repay the said amount, he issued a cheque, which was presented for collection. However, it was returned dishonoured for the reason 'payment stopped by the drawer'. After causing statutory notice, the aforesaid complaint was filed.

3. On the side of the respondent, he had examined PW1 and marked Ex.P1 to Ex.P6. On the side of the petitioner, he had examined DW1 and marked Ex.D1 to Ex.D3. On perusal of oral and documentary evidences, the petitioner was convicted for the offence under Section 138 of NI Act and he



Crl.R.C.No.1204 of 2025

was sentenced to undergo five months simple imprisonment. The petitioner was also ordered to pay compensation to the tune of cheque amount. Aggrieved by the said judgment, the petitioner preferred appeal and the same was dismissed confirming the order of conviction and sentence imposed by the trial court. Therefore, the present criminal revision case has been filed.

4. The learned counsel for the petitioner would submit that in the meanwhile, the petitioner had settled the entire cheque amount to the respondent and a compromise agreement dated 05.07.2025 was entered between them. He also produced a copy of the said compromise agreement before this Court.

5. Today, the respondent appeared in person before this Court and he deposed that he received the entire cheque amount. He also submitted that he has no objection to set aside the impugned judgments.

6. Therefore, this Court is inclined to set aside the impugned judgments. Accordingly, the judgment passed by the learned III Additional District and Sessions Judge, Coimbatore District in Crl.A.No.41 of 2022 dated 24.02.2025 and the judgment of the learned Judicial Magistrate, Sulur dated



Crl.R.C.No.1204 of 2025

21.06.2022 in CC.No.140 of 2018 are set aside. The petitioner is acquitted from

all the charges under Section 138 of NI Act. The petitioner is directed to be set at liberty forthwith unless his custody is otherwise required in connection with any other case. The aforesaid compromise agreement dated 05.07.2025 shall form part and parcel of this order. Fine amount, if any paid, shall be refunded to the petitioner forthwith. Bail bond, if any executed, shall stand cancelled.

7. In the result, this criminal revision case stands allowed. Consequently, connected miscellaneous petition is closed.

24.07.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
lok
Note: Issue order copy on 30.07.2025



WEB COPY



Crl.R.C.No.1204 of 2025

To

- 1.The learned III Additional District and Sessions Judge, Coimbatore District
- 2.The learned Judicial Magistrate, Sulur
- 3.Central Prison, Coimbatore



WEB COPY



Crl.R.C.No.1204 of 2025

G.K.ILANTHIRAIYAN, J.

lok

Crl.R.C.No.1204 of 2025

24.07.2025