



Crl.R.C.No.566 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.07.2025

CORAM:

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

Crl.R.C.No.566 of 2023

C.Senthil

..... Petitioner

Vs

K.Ranganahan (Died)

..... Respondent

PRAYER: Criminal Revision Case is filed under Sections 397 & 401 of Bharatiya Nagarik Suraksha Sanhita, 2023 to set aside the judgment and conviction dated 01.07.2022 made in C.A.No.92 of 2017 (On the file of 1st Additional District and Sessions Judge, Thiruvallur) confirming the judgment and conviction dated 16.06.2017 made in C.C.No.279 of 2012 (On the file of the Fast Track Court, Magisterial Level a Thiruvallur).

For Petitioner : Mr.C.S.Saravanan
For Respondents : No Appearance

ORDER

This Criminal Revision Case has been filed as against the Judgment dated 01.07.2022 passed in Crl.A.No.92 of 2017 on the file of the I additional District and Sessions Judge, Trivallur thereby confirming



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the conviction and sentence imposed by the Magisterial Level, Tiruvallur
in C.C.No.279 of 2012 dated 16.06.2017 for the offences punishable
under Section 138 of Negotiable Instruments Act.

2. The petitioner is the accused in the complaint lodged by the complainant for the offences punishable under Section 138 of Negotiable Instruments Act alleging that the petitioner approached the respondent and offered to sell two house sites and also furnished the copies of documents. Believing the said words and documents, the respondent paid the entire sale consideration of Rs.2,00,000/- however, the petitioner failed to execute any sale deed. After repeated requests, the petitioner issued cheque in order to repay the said amount. It was presented for collection and the same was returned dishonored for the reason insufficient funds. After issuing show cause notice, the respondent filed a complaint. It has been taken cognizance by the trial court. The complainant had examined P.W.1 & P.W.2 and marked Ex.P.1 to Ex.P.7. On the side of the petitioner, he examined D.W.1 & D.W.2 and marked Ex.D1 to Ex.D4.



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3. On perusal of the oral and documentary evidences, the trial court convicted the petitioner herein for the offences punishable under Section 138 of Negotiable Instruments Act and sentenced him to undergo simple imprisonment for a period of eight months and to pay the compensation to the complainant to the tune of cheque amount to the complainant in default in payment of the said compensation, he was directed to undergo simple imprisonment for a period of two months. Aggrieved by the same, the petitioner preferred an appeal which was dismissed confirming the sentence imposed by the trial court. Aggrieved by the same, the present revision has been filed.

4. The learned counsel appearing for the petitioner submitted that the petitioner seeks further time to settle the cheque amount.

5. Considering the above submissions, the Judgment dated 01.07.2022 passed in Criminal Appeal No.92 of 2017 by the I Additional District and Sessions Judge, Tiruvallur and the conviction and sentence imposed on the petitioner by the Trial Court in C.C.No.279 of 2012 on the file of the Court of the Judicial Magistrate Fast Track Court, Magisterial level, Thiruvallur are hereby set aside on condition that the



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petitioner shall pay a sum of Rs.2,00,000/- directly to the respondent on or before 13.08.2025 and produce the acknowledgment before the trial court failing which, the order of conviction and sentence passed by the trial court and confirmed by the Appellate court are restored automatically and the trial court is directed to issue NBW as against the petitioner to comply with the conviction and sentence imposed by the trial court. Fine amount, if any paid, shall be refunded to the petitioner forthwith. Bail bonds, if any executed, shall stand cancelled.

6. In the result, this Criminal Revision Case is allowed.

16.07.2025

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

To

1. The I Additional District and Sessions Judge,
Thiruvallur.

2. The Judicial Magistrate Fast Track Court,
Magisterial level, Thiruvallur



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G.K.ILANTHIRAIYAN, J.

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