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Crl. R.C.No.1338 of 2025

Crl.R.C.No.1338 of 2025
and
Crl.M.P.No.15171 of 2025

G.K.ILANTHIRAIYAN, J.

Today, the matter is listed under the caption 'For Being Mentioned' at the instance of the learned counsel for the petitioners as well as the learned counsel for the respondent.

2. The learned counsel for the petitioners has brought to the notice of this Court that though the respondent had agreed to settle the dispute amicably with the petitioners by accepting the entire cheque amount via Demand Draft, this Court had passed a final order on 07.08.2025 in Crl.R.C.No.1338 of 2025, recording the same. After passing of the order, the respondent demanded the money in cash and refused to receive the amount by way of Demand Draft. Now, the petitioners are ready and willing to give the amount in cash. Therefore, the operative portion of the order requires correction accordingly.

3. Accepting the submissions made by the learned counsel for the petitioners, the entire order passed by this Court in Crl.R.C.No.1338 of 2025 on 07.08.2025, shall read as follows :



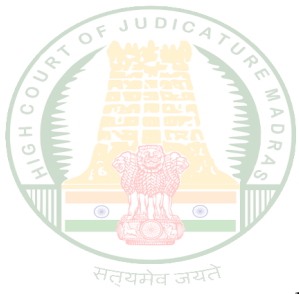
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ORDER

This Criminal Revision has been filed to set aside the Judgement dated 02.07.2025 made in C.A.No.468 of 2024 on the file of the learned XXI Additional Sessions Judge, Allikulam, Chennai, thereby confirming the conviction and sentence imposed on the petitioner in S.T.C.No.2582 of 2024 dated 05.06.2024 by the learned XXVI Metropolitan Magistrate, Egmore, Chennai for the offence under Section 138 of the Negotiable Instruments Act, 1881.

2. *On the complaint lodged by the respondent for offence under Section 138 of Negotiable Instruments Act, the petitioners were arrayed as accused in S.T.C.No.2582 of 2024 before the Trial Court. After a full-fledged trial, the petitioners were found guilty of the offence under Section 138 of the N.I. Act, and were convicted and sentenced them to undergo simple imprisonment for three months and also awarded compensation to the tune of cheque amount of Rs.14,51,310/- to the complainant, in default to undergo 15 days simple imprisonment as default sentence. Aggrieved by the same, the petitioners had preferred a Criminal Appeal in C.A.No.468 of 2024 before the XXI Additional City Civil Court, Allikulam, Egmore, Chennai. The Appellate Court had dismissed the appeal by confirming the conviction and sentence imposed by the Trial Court. Hence, the present revision.*



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3. *Heard the learned counsel appearing on both sides and perused the materials available on record.*

4. *Pending revision, the learned counsel for the petitioners submitted that the petitioners are ready to settle the issue amicably with the respondent, and the respondent had also agreed to receive a sum of Rs.7 Lakhs instead of the cheque amount. Further, he stated that the petitioners had already deposited a sum of Rs.2,90,000/- to the credit of S.T.C.No.2582 of 2024, on the file of the XXVI Metropolitan Magistrate, Egmore, Chennai. Now, the petitioners are ready and willing to pay the remaining amount of Rs.4,10,000/- in cash to the respondent directly through the respondent's counsel, which was agreed to by the learned counsel for the respondent. There being no objections raised by the respondent, the conviction and sentence imposed by the Trial Court, and confirmed by the Appellate Court are set aside.*

5. *In view of the above, the respondent is permitted to withdraw the said sum of Rs.2,90,000/-, along with accrued interest, if any, which is lying on the file of the XXVI Metropolitan Magistrate, Egmore, Chennai, by way of filing an appropriate application. It is made clear that the Trial Court shall permit the respondent to withdraw the amount, without ordering any notice to the petitioner.*



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6. *Accordingly, this Criminal Revision Case is allowed by setting aside the Judgment dated 02.07.2025 passed in Crl.A.No.468 of 2024 by the learned XXI Additional Sessions Judge, Allikulam, Chennai, confirming the Judgment dated 05.06.2024 passed in S.T.C. No.2582 of 2024 by the learned XXVI Metropolitan Magistrate, Egmore, Chennai. Consequently, connected miscellaneous petition is closed.*

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4. Registry is directed to substitute the aforesaid order in the order dated 07.08.2025 in Crl.R.C.No.1338 of 2025 and issue a fresh order copy accordingly.

19.08.2025

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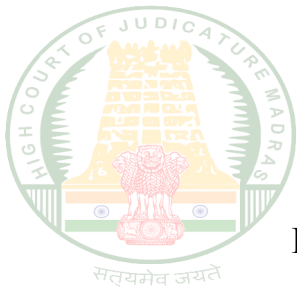
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G.K.ILANTHIRAIYAN, J.

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Crl.R.C.No.1338 of 2025
and
Crl.M.P.No.15171 of 2025

19.08.2025



Crl. R.C.No.1338 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated: 07.08.2025

Coram:

THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl. R.C.No.1338 of 2025 &
CrI.M.P.No.15171 of 2025

1. Siva Energy Infrastructure (P) Ltd.,
rep. By its Director, Shakila
No.22, M.K.B.Nagar,
Thirumudivakkam, Chennai

2. Shakila

...Petitioners

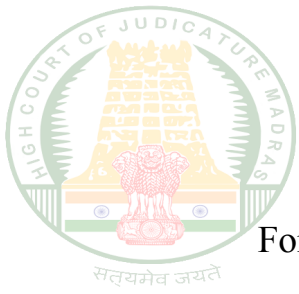
Vs.

Sureshkumar
Director of Mahaveer Electric Agencies Madras
No.209/143, Sydenhams Road,
Periamet, Chennai – 600 003
rep. By its Power Agent, G.Kishore

...Respondent

Prayer:

Criminal Revision filed under Sections 397 r/w 401 of Criminal Procedure Code, 1973, to call for the records pertaining to Crl.A.No.468 of 2024 on the file of the learned XXI Additional Sessions Judge, Allikulam, Chennai dated 02.07.2025, confirming the Judgment dated 05.06.2024 in STC.No.2582 of 2024 on the file of the learned XXVI Metropolitan Magistrate, Egmore, Chennai and set aside the same.



Crl. R.C.No.1338 of 2025

For Petitioners

: Mr. B.M. Santharam

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For Respondent

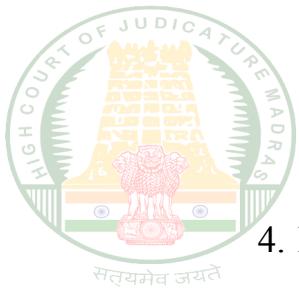
: Mr.R.Thiyagu

ORDER

This Criminal Revision has been filed to set aside the Judgement dated 02.07.2025 made in C.A.No.468 of 2024 on the file of the learned XXI Additional Sessions Judge, Allikulam, Chennai confirming the order dated 05.06.2024 in STC No.2582 of 2024 on the file of the learned XXVI Metropolitan Magistrate, Egmore, Chennai

2. Heard the learned counsel on either side and perused the documents placed on record.

3. The petitioners are the accused on the complaint lodged by the respondent for offence under Section 138 of Negotiable Instruments Act. After full fledged trial, the petitioners were convicted and sentenced to undergo simple imprisonment for three months and also awarded compensation to the tune of cheque amount for offence punishable under Section 138 of Negotiable Instruments Act, in default to undergo 15 days simple imprisonment. Aggrieved by the same, the petitioner has preferred Criminal Appeal and the appellate court confirmed the order passed by the trial court and dismissed the appeal. As against the same, the present Revision has been filed.



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4. It is the contention of the petitioners that while pending Revision, the petitioners had settled the entire cheque amount with the respondent and amicably settled the issue, for which, the learned counsel for the respondent submitted that the entire amount has been received and he has no objection to set aside the conviction and sentence imposed by the trial court and confirmed by the appellate court.

5. Accordingly, the present revision is allowed and the Judgment passed in Crl.A.No.468 of 2024 on the file of the learned XXI Additional Sessions Judge, Allikulam, Chennai dated 02.07.2025 confirming the Judgment dated 05.06.2024 in STC No.2582 of 2024 on the file of the learned XXVI Metropolitan Magistrate, Egmore, Chennai is set aside. Consequently, connected miscellaneous petition is closed.

07.08.2025

Index : Yes / No
Internet : Yes / No
Speaking Order / Non Speaking Order

ssd



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G.K.ILANTHIRAIYAN, J.

ssd

To

1. The XXI Additional Sessions Judge,
Allikulam, Chennai
2. The XXVI Metropolitan Magistrate, Egmore, Chennai
3. The Public Prosecutor, High court, Madras

Crl. R.C.No.1338 of 2025

07.08.2025