



Crl.R.C.No.323 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.06.2025

CORAM:

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

Crl.R.C.No.323 of 2023

and

Crl.M.P.No.2654 & 2656 of 2023

K.Murugan

..... Petitioner

Vs

1.N.S.Ilamuruguselvam

2.The Inspector of Police,
Mayiladuthurai,
Rep. by its Public Prosecutor,
Nagapattinam.

..... Respondents

PRAYER: Criminal Revision Case is filed under Sections 397 r/w 401 of Code of Criminal Procedure, to call for the records in Crl.A.No.7 of 2017 and set aside the Judgment and conviction passed by the learned Additional District Judge, Mayiladuthurai, dated 14.09.2022, confirming the judgment decree made in C.C.No.95 of 2015 dated 18.04.2017 on the file of the Judicial Magistrate (Fast Track) Mayiladuthurai, and to acquit the petitioner/appellant and set him at liberty.

For Petitioner	:	Mr.S.Arumugam
For R1	:	Mr.S.Murari
		for M/s.K.M.Vijayan Associates
For R2	:	Mr.A.Gopinath
		Government Advocate (Crl.Side)



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ORDER

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This Criminal Revision Case has been filed challenging the order dated 14.09.2022 passed in Crl.A.No.7 of 2017 by the Additional District Judge, Mayiladuthurai, thereby confirming the order of conviction passed in C.C.No.95 of 2015 dated 18.04.2017 on the file of the Judicial Magistrate (Fast Track Court), Mayiladuthurai, for the offence punishable under Section 138 of the Negotiable Instruments Act.

2. The petitioner is the accused in the complaint lodged by the respondent for the offence punishable under Section 138 of the Negotiable Instruments Act, alleging that the petitioner borrowed a sum of Rs.1,00,000/- from the first respondent on 10.12.2013 and also executed a promissory note on the same day. On demand, the petitioner issued a cheque for the said amount and the same was presented for collection. However, it was returned dishonoured with the endorsement "Account Closed". After causing statutory notice, the respondent filed a complaint.

3. On the side of the respondent/complainant, P.W.1 was examined and Exs.P1 to P4 were marked. On the side of the petitioner/accused, no witnesses were examined and no documents were marked.



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4. Considering the oral and documentary evidence, the Trial Court

found the petitioner guilty of the offence under Section 138 of the Negotiable Instruments Act and sentenced him to undergo six months of simple imprisonment with compensation to the cheque amount. Aggrieved by the same, the petitioner preferred an appeal and the same was also dismissed, thereby confirming the conviction and sentence order passed by the Trial Court. Aggrieved by the same, the present revision has been filed.

5. The learned counsel appearing for the petitioner submitted that the petitioner is ready and willing to settle the cheque amount within a period of one month. The learned counsel appearing for the respondent submitted that the respondent is also willing to receive the cheque amount and settle the issue.

6. Heard the learned counsel appearing on either side and perused the materials available on record.

7. Considering the submissions made by the learned counsel on either side, the judgment dated 14.09.2022 passed in Crl.A.No.7 of 2017 by the Additional District Judge, Mayiladuthurai and the order of conviction and sentence passed in C.C.No.95 of 2015 dated 18.04.2017 by the Judicial



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Magistrate (Fast Track Court), Mayiladuthurai, are hereby set aside on

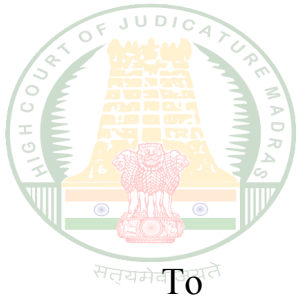
condition that the petitioner shall settle the cheque amount to the respondent on or before 07.07.2025. Failing which, the order passed by this Court shall stand automatically cancelled and the conviction and sentence imposed on the petitioner by the Trial Court and confirmed by the Appellate Court shall stand automatically restored. The second respondent is at liberty to take appropriate steps to comply with the conviction and sentence imposed against the petitioner in the manner known to law.

8. In the result, this Criminal Revision Case stands allowed.

Consequently, connected miscellaneous petitions are closed.

09.06.2025

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



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To
WEB COPY

1. The Additional District Judge,
Mayiladuthurai
2. The Judicial Magistrate (Fast Track)
Mayiladuthurai,
3. The Inspector of Police,
Mayiladuthurai,
Nagapattinam.
4. The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN, J.

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