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IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 20.11.2025
CORAM
THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI
Crl.R.C.No.1739 of 2023

A. Shanmugam

... Petitioner

Vs.

M. Balasubramani

... Respondent

PRAYER : This petition is filed under Sections 397 r/w 401 of Cr.P.C to allow the above Criminal Revision Petition by setting aside the Judgment dated 27.06.2023 passed in Crl.A.No.151 of 2017 on the file of the Court of the Sessions Judge of Magalir Neeethimandram at Nilgiris confirming the conviction and the sentence imposed in S.T.C.No2 of 2014 on the file of the Judicial Magistrate Court, Kothagiri, Nilgiris District.

For Petitioner : Mr.S. Sriram

For Respondent : Mr.M. Guru Prasad

ORDER

This Criminal Revision Case has been filed to allow the above Criminal Revision Petition by setting aside the Judgment dated 27.06.2023 passed in Crl.A.No.151 of 2017 on the file of the Court of the Sessions Judge of Magalir Neeethimandram at Nilgiris confirming the conviction and the sentence imposed in S.T.C.No.2 of 2014 on the file of the Judicial Magistrate Court, Kothagiri, Nilgiris District.



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2. The facts of the case is that the respondent/complainant filed a complaint under Section 138 of the Negotiable Instruments Act against the petitioner that the petitioner is known to him and he borrowed a sum of Rs.15,00,000/- from the complainant and issued a cheque and the same was returned as “funds insufficient”. Hence, the petitioner issued a legal notice calling upon the accused to pay the cheque amount and the accused received the notice and gave reply but failed to pay the cheque amount. Hence, the respondent filed S.T.C.No.2 of 2014 on the file of the Judicial Magistrate Court, Kothagiri, Nilgiris District, wherein the petitioner was convicted under Section 138 of the Negotiable Instruments Act and was sentenced to undergo one year R.I and to pay the cheque amount of Rs.15,00,000/- to the complainant within three months in default to undergo three months .S.I. Challenging the same the petitioner has filed CrI.A.No.151 of 2017 on the file of the Court of the Sessions Judge of Magalir Neeethimandram at Nilgiris, who dismissed the appeal and confirmed the order passed in S.T.C.No.2 of 2014 on the file of the Judicial Magistrate Court, Kothagiri, Nilgiris District. Aggrieved over the same, the petitioner has come up with this Criminal Revision Case.



3. It is seen from records that this Court vide order dated 15.07.2024 has already granted Suspension of sentence to the petitioner with a condition to deposit a sum of Rs.7,50,000/-. Thereafter, the petitioner filed a petition in Crl.M.P.No.12651 of 2024 to extend the time for complying with the condition. He also filed an affidavit of undertaking seeking one month time to pay the amount. Considering the affidavit of undertaking filed by the petitioner, this Court allowed the petition on 30.10.2024. When such being the case even after a lapse of more than one year the petitioner has not turned up and not paid the amount

4. At this juncture the learned counsel for the petitioner submitted that he has no instructions.

5. As the petitioner has not complied with the earlier order passed by this Court on 15.07.2024 and 30.10.2024, this Criminal Revision case is dismissed. Liberty is granted to the respondent to secure the accused as per the manner known to law through the jurisdictional police.

20.11.2025

smn

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



To

1. The learned Sessions Judge of Magalir Neeethimandram at Nilgiris
2. The learned Judicial Magistrate Court, Kothagiri, Nilgiris District.
3. The Public Prosecutor, High Court, Madras



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T.V.THAMILSELVI, J.

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