



Crl. R.C. No. 1407 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 12.08.2025

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl. R.C. No. 1407 of 2025

M. Thangavel

... Petitioner

Vs.

M. Gurunathan

... Respondent

PRAYER: Criminal Revision Case is filed under Section 438 & 442 of BNSS, to set aside the judgment dated 09.01.2015 in Crl.A.No.2 of 2014 on the file of I Additional District and Sessions Judge, Salem confirming the conviction and sentence in the judgment dated 06.12.2013 made in S.T.C.No.1185 of 2008, on the file of Judicial Magistrate No.II, Salem and thus render justice.

For Petitioner : Mr. W. Camyles Gandhi

For Respondent : Mr. M. Gurunathan,
(party-in-person)



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ORDER

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2. The petitioner is an accused in the complaint lodged by the respondent for the offence punishable under Section 138 of Negotiable Instruments Act. After full fledged trial, the trial Court convicted the petitioner for the offence punishable under Section 138 of Negotiable Instruments Act and sentenced him to undergo six months simple imprisonment and also awarded compensation to the tune of cheque amount. Aggrieved by the same, the petitioner preferred an appeal and the same was also dismissed and confirmed the order of conviction and sentence imposed by the trial Court. Hence, the present revision.



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3. While pending revision, the petitioner was remanded to judicial custody in order to undergo sentence period and arrested on 18.06.2025. Thereafter, the petitioner had settled the entire cheque amount to the respondent herein. The respondent also appeared before this Court and deposed that he had received the entire cheque amount and acknowledged the same. He has no objection to set aside the conviction and sentence imposed by the trial Court.

4. Considering the above facts and circumstances, this Court is inclined to set aside the judgment dated 09.01.2015 in Crl.A.No.2 of 2014 on the file of I Additional District and Sessions Judge, Salem confirming the conviction and sentence in the judgment dated 06.12.2013 made in S.T.C.No.1185 of 2008, on the file of Judicial Magistrate No.II, Salem. Accordingly, set aside.

5. This Criminal Revision Case is allowed.



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6. Now, the petitioner is confined at Central Prison, Salem. The Superintendent of Prison, Central Prison, Salem is directed to set the petitioner at liberty forthwith, if his further detention is no longer required in connection with any other case or proceedings.

12.08.2025

Index : Yes/No
Neutral citation : Yes/No
AT

Note: Issue order copy on 12.08.2025

To

1. The I Additional District and Sessions Judge, Salem.
2. The Judicial Magistrate No.II, Salem.
3. The Superintendent of Prison, Central Prison, Salem.
4. The Public Prosecutor, High Court of Madras.



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G.K.ILANTHIRAIYAN, J.

AT

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