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Crl.RC.No.1475 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.08.2025

CORAM:

THE HON'BLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.RC.No.1475 of 2025
and Crl.M.P.Nos.15706 & 15708 of 2025

K.R.Rajagopalan

...Petitioner

Vs.

V.Subramaniam

... Respondent

PRAYER: Criminal Revision Petition filed under Section 438 r/w. 442 BNSS, to call for the records relating to judgment and the sentence dated 29.07.2025 passed by the District Munsif – Cum – Judicial Magistrate, Kotagiri in STC No.115 of 2025 and set aside the same by allowing the above Revision Petition.

For Petitioner : Mr.P.H.Aravind Pandian
Senior Counsel
for Ms.Vinithra Srinivasan



Crl.RC.No.1475 of 2025

ORDER

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2. The petitioner is an accused in a complaint lodged by the respondent for the offence punishable under Section 138 NI Act. After completion of respondent's evidence the matter was posted for questioning under Section 313 Cr.P.C. At that juncture the petitioner who is being aged about 77 years appeared through video conferencing and stated “not guilty”. However, it was recorded by the trial Court that he admitted his liability and also undertakes to pay the cheque amount. On the basis of the statement the trial Court mechanically convicted the petitioner for the offences punishable under Section 138 NI Act and sentenced him to one year simple imprisonment.



Crl.RC.No.1475 of 2025

WEB COPY

3. The learned Senior Counsel for the petitioner submitted that the petitioner being aged 77 years appeared through video conferencing before the trial Court and pleaded “not guilty”. In fact, two other cheques were also deposited by the petitioner for the same amount of Rs.3,75,00,000/- and both the cheques were dishonoured. Aggrieved by the same the respondent initiated proceedings under Section 138 NI Act and it is pending for trial. In those two cases the petitioner pleaded “not guilty” and proceeded with the trial. Unfortunately, in the present case alone the trial Court recorded as if the petitioner admitted guilty and undertakes to pay the cheque amount.

4. Considering the above facts and circumstances of this case, this Court is of the view that the order passed by the trial Court cannot be sustained and the same is liable to be set aside.

5. Since the trial Court has wrongly recorded the statement of the petitioner herein as guilty for the offence punishable under Section 138 NI Act under Section 313 Cr.P.C., this Court feels no notice is required to be served on the respondent.



Crl.RC.No.1475 of 2025

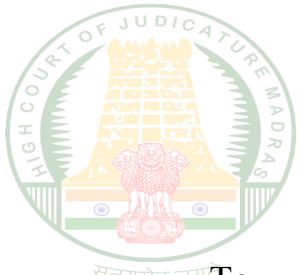
6. Accordingly this Criminal Revision is allowed and the order passed

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in STC No.115 of 2025 dated 29.07.2025 on the file of the District Munsif –
Cum – Judicial Magistrate, Kotagiri is hereby set aside and the matter is
remanded to the trial court for fresh trial. The trial Court is directed to post
the matter for questioning under Section 313 Cr.P.C. and proceed with the
trial in accordance with law and complete the same within a period of six
months. Connected miscellaneous petitions are closed.

20.08.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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Crl.RC.No.1475 of 2025

To
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1. District Munsif – Cum – Judicial Magistrate, Kotagiri



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Crl.RC.No.1475 of 2025

G.K.ILANTHIRAIYAN, J.

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Crl.RC.No.1475 of 2025

20.08.2025