



Crl.R.C.No.1830 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 14.07.2025

CORAM:

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

Crl.R.C.No.1830 of 2024

A.Sekar

... Petitioner

Vs.

K.S.Kannappan

... Respondent

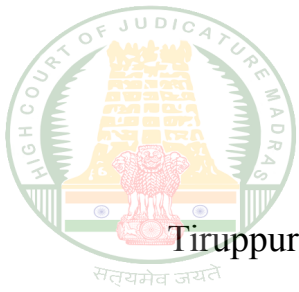
PRAYER: Criminal Revision has been filed under Section 438 r/w 442 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying to allow the Criminal Revision petition and set aside the order passed by the learned Principal Sessions Judge at Tiruppur in C.A.No.107 of 2022 dated 23.08.2024 by confirming the conviction and sentence imposed by the learned Judicial Magistrate, Fast Track at Magisterial Level, Tiruppur, in S.T.C.No.335 of 2018 dated 08.08.2022.

For Petitioner : Mr.D.Jaganathan

For Respondent : Mr.M.Vijaya Raghavan

ORDER

The Criminal Revision Case has been preferred as against the judgment dated 23.08.2024 passed by the learned Principal Sessions Judge, Tiruppur, in C.A.No.107 of 2022, confirming the order dated 08.08.2022 passed by the learned Judicial Magistrate, Fast Track at Magisterial Level,



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Tiruppur, in S.T.C.No.335 of 2018, thereby convicting the petitioner for the offence punishable under Section 138 of the Negotiable Instruments Act (hereinafter referred to as “the NI Act”).

2. The respondent lodged complaint against the petitioner for the offence punishable under Section 138 of the NI Act, alleging that the petitioner borrowed a sum of Rs.7,00,000/- and to discharge the said debt, he issued a cheque. The said cheque was presented for collection and it was returned dishonoured for the reason “funds insufficient”. After causing statutory notice, the respondent lodged the complaint and the same was taken cognizance by the trial Court in S.T.C.No.335 of 2018.

3. On the side of the respondent, he had examined P.W.1 & P.W.2 and marked documents in Ex.P.1 to Ex.P.5. On the side of the petitioner, he himself examined as D.W.1 and marked document as Ex.D.1. The Court document was marked as Ex.X.1. On perusal of the oral and documentary evidences, the trial Court found the petitioner guilty for the offence punishable under Section 138 of the NI Act and sentenced him to undergo six months simple imprisonment and to pay compensation to the tune of Rs.7,00,000/- to the respondent, in default, to undergo further period of one month simple



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imprisonment. Aggrieved by the same, the petitioner preferred an appeal and the same was also dismissed by confirming the conviction and sentence imposed by the trial Court. Hence, the petitioner filed the present revision.

4. While pending the revision, the parties viz., the petitioner and the respondent have entered into a joint memo of compromise and accordingly, the petitioner paid the entire cheque amount. A Joint Memo of Compromise dated 14.07.2025, has been filed before this Court, which has been signed by the petitioner and the respondent and also by their respective counsel.

5. The learned counsel appearing for the petitioner submitted that already a part of the cheque amount has been deposited by the petitioner to the credit of the trial Court and the same may be permitted to withdraw by the petitioner, since the entire amount has been paid to the respondent directly.

6. The learned counsel appearing for the respondent submitted that the respondent received the entire cheque amount and he has no objection to set aside the conviction and sentence imposed on the petitioner.

7. In view of the above facts and circumstances, the conviction and



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sentence imposed on the petitioner in the judgment dated 23.08.2024, passed by the learned Principal Sessions Judge, Tiruppur, in C.A.No.107 of 2022, and the order dated 08.08.2022 passed by the learned Judicial Magistrate, Fast Track at Magisterial Level, Tiruppur, in S.T.C.No.335 of 2018, are hereby set aside. The petitioner is acquitted from all the charges in S.T.C.No.335 of 2018 under Section 138 of the NI Act. The terms of Joint Memo of Compromise dated 14.07.2025, shall form part and parcel of this Order. The petitioner is permitted to withdraw the entire amount deposited before the trial Court to the credit of S.T.C.No.335 of 2018, by way of filing proper application. It is made clear that the trial Court is directed to permit the petitioner to withdraw the amount without ordering any notice to the respondent. Fine amount, if any paid, shall be refunded to the petitioner forthwith. Bail bonds, if any executed, shall stand cancelled.

8. Accordingly, the Criminal Revision Case stands allowed.

14.07.2025

Internet: Yes
Index: Yes/No
Speaking/Non speaking order
rts



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- To
- 1.The Principal Sessions Judge,
Tiruppur
 2. The Judicial Magistrate,
Fast Track at Magisterial Level,
Tiruppur.



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G.K.ILANTHIRAIYAN. J,

rts

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