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Crl.R.C.No.1826 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.06.2025

CORAM:

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

Crl.R.C.No.1826 of 2024

and

Crl.MP.Nos.15038 & 15039 of 2024

P.Kathirvel

..... Petitioner

Vs.

M/s.Chola Spinning Mills Private Ltd.,
Rep. by its Director S.Venkatachalam
Having its registered Office at:
S.F.No.189/1, Komarapalayam Main Road,
Veppadi, Elanthakuttai Po.,
Komarapalayam Taluk,
Namakkal District

..... Respondent

PRAYER:

Criminal Revision Case is filed under Section 438 r/w 442 of BNSS, 2023, praying to pass an order to set aside the judgment and conviction imposed in the judgment dated 11.09.2024 made in CA.No.12 of 2024 on the file of the learned IInd Additional District and Sessions Judge, Tiruchengode by confirming the judgment dated 18.05.2023 made in STC.No.173 of 2020 by



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the learned Judicial Magistrate of Komarapalayam by allowing the criminal

revision petition throughout by acquitting the petitioner.

For Petitioner : Mr.S.Bharanidharan

For Respondent : Mr.M.Vijaya Ragavan

ORDER

This criminal revision case has been filed against the judgment dated 11.09.2024 passed in CA.No.12 of 2024 on the file of the learned II Additional District and Sessions Judge, Tiruchengode confirming the judgment dated 18.05.2023 passed in STC.No.173 of 2020 by the learned Judicial Magistrate of Komarapalayam, thereby the petitioner was convicted for the offence under Section 138 of NI Act.

2. The petitioner is running a business in the name and style of 'Ramya Sri Textiles'. He purchased yarn from the respondent, which is a private limited company, on credit basis. In order to pay the due amount of Rs.5,00,520/-, the petitioner issued a post-dated cheque, which was presented for collection. However, the same was returned as 'funds insufficient'. Hence, the respondent lodged complaint against the petitioner for the offence under



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Section 138 of NI Act.

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3. On the side of the respondent, PW1 was examined and marked Ex.P1 to Ex.P9. On the side of the petitioner, DW1 and DW2 were examined and Ex.D1 to Ex.D4 were marked. On perusal of oral and documentary evidences, the trial court convicted the petitioner for the offence under Section 138 of NI Act and sentenced him to undergo simple imprisonment for a period of six months. Aggrieved over the judgment of the trial court, the petitioner filed criminal appeal before the II Additional District and Sessions Judge, Tiruchengode. However, the appellate court dismissed the criminal appeal and confirmed the judgment of conviction and sentence imposed by the trial court. Therefore, the present criminal revision case has been filed.

4. The learned counsel for the petitioner would submit that, apart from the present criminal revision case, the same petitioner has filed 12 other criminal revision cases against the same respondent arising out of Section 138 of NI Act before this Court and the same have been listed before this Court today. He further submitted that the total amount of the cheques involved in all the criminal revision cases is Rs.48,86,911/-. However, the petitioner had already paid Rs.25,00,000/- to the respondent and the remaining due amount is



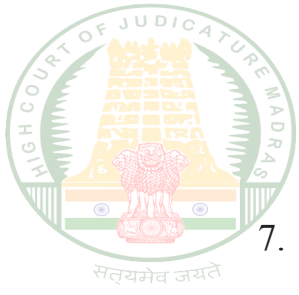
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Rs.23,86,911/-. He further submitted that the petitioner is ready to settlement

the aforesaid balance amount within a period of six weeks.

5. The learned counsel for the respondent submitted that the petitioner and the respondent entered into an amicable settlement and pending the present criminal revision petition, the respondent received Rs.25,00,000/- from the respondent and however, Rs.23,86,911/- is due.

6. In view of the submissions of the learned counsel appearing on either side, this Court is inclined to set aside the impugned judgments on a condition. Accordingly, the judgment dated 11.09.2024 passed in CA.No.12 of 2024 on the file of the learned II Additional District and Sessions Judge, Tiruchengode and the judgment dated 18.05.2023 passed in STC.No.173 of 2020 on the file of the learned Judicial Magistrate of Komarapalayam are set aside on condition that the petitioner shall pay the aforesaid remaining amount of Rs.23,86,911/- to the respondent on or before 08.08.2025, failing which the present order of this Court shall stand automatically cancelled and thereafter, the respondent shall be at liberty to take appropriate steps to secure him to undergo the sentence imposed by the trial court and the appellate court.



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7. In the result, this criminal revision case stands allowed.

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Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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G.K.ILANTHIRAIYAN, J.

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To

1.The learned II Additional District and Sessions Judge, Tiruchengode

2.The learned Judicial Magistrate of Komarapalayam

3.S.Venkatachalam,

Director,

M/s.Chola Spinning Mills Private Ltd.,

Having its registered Office at:

S.F.No.189/1, Komarapalayam Main Road,

Veppadi, Elanthakuttai Po.,

Komarapalayam Taluk,

Namakkal District

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