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Crl.R.C.No.343 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.08.2025

CORAM:

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

Crl.R.C.No.343 of 2025

N.Srinivasan

... Petitioner

Vs

N.Govindarajan

... Respondent

PRAYER: Criminal Revision Case is filed under Section 438 read with 442 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to set aside the conviction and sentence by its order dated 22.07.2024 passed by the Principal District and Sessions Judge, Chennai in C.A.No.711 of 2023 and confirming the Judgment passed by the Fast Track Court No.1, Metropolitan Magistrate level Allikulam, Chennai in C.C.No.4876 of 2021 dated 16.10.2023 convicted and sentenced to undergo one year simple imprisonment and directed to pay the cheque amount as file within one month from the date of judgment in default to undergo three months simple imprisonment and the respondent/complainant is entitled to get the entire fine amount as compensation.

For Petitioner : Mr.K.C.Krishnamoorthy
For Respondent : Mr.M.Aloysius Raja Pragash

ORDER



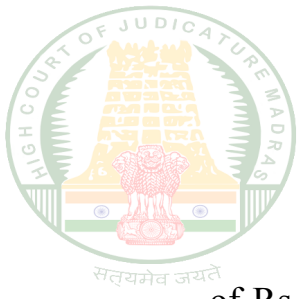
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This Criminal Revision has been filed challenging the order dated 22.07.2024 passed by the Principal District and Sessions Judge, Chennai in C.A.No.711 of 2023, thereby confirming the Judgment passed in C.C.No.4876 of 2021 dated 16.10.2023 by the Fast Track Court No.I, Metropolitan Magistrate level, Allikulam, Chennai.

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 one year 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, confirming the order passed by the Trial Court. Hence, this revision.

3. Pending revision, the petitioner had already deposited a sum



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of Rs.1,60,000/- to the credit of the Trial Court and today, the petitioner has brought the demand draft for the remaining sum of Rs.6,40,000/-. It is also handed over to the learned counsel for the respondent.

4. The learned counsel for the respondent disputed that if the demand draft is not encashed, the sentence imposed on the petitioner may be restored.

5. In view of the above, the order of conviction and sentence imposed by the Trial Court and confirmed by the appellate Court cannot be sustained and are liable to be set aside. Accordingly, the order dated 22.07.2024 passed by the Principal District and Sessions Judge, Chennai in C.A.No.711 of 2023, thereby confirming the Judgment passed in C.C.No.4876 of 2021 dated 16.10.2023 by the Fast Track Court No.I, Metropolitan Magistrate level, Allikulam, Chennai, are hereby set aside.

6. Accordingly, this Criminal Revision Case is allowed. The



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respondent is permitted to withdraw the amount which was already deposited by the petitioner to the credit of the Trial Court, by way of an appropriate application. It is also made clear that the Trial Court is directed to permit the respondent to withdraw the amount, without ordering any notice to the petitioner. Further, if the demand draft is not encashed, the order of conviction and sentence imposed by the Trial Court and confirmed by the appellate Court shall stand automatically restored and the respondent is at liberty to secure the petitioner to undergo the remaining period of sentence in accordance with law.

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

1. The Principal District and Sessions Judge, Chennai.
2. The Fast Track Court No.1,
Metropolitan Magistrate level Allikulam,
Chennai.



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G.K.ILANTHIRAIYAN. J.

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