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Crl.R.C.No.1760 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.07.2025

CORAM:

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

Crl.R.C.No.1760 of 2024
and Crl M.P.No.14435 of 2024

N.Elangovan

..... Petitioner

Vs

S.Nagaraj

..... Respondent

PRAYER: Criminal Revision Case is filed under Sections 438 r/w 442 of the BNSS, 2023 to set aside the Judgment dated 20.02.2023 passed in Crl.A.No.70 of 2022 on the file of the Learned Additional District and Sessions Judge, Mettur confirming the Judgment dated 25.07.2022 passed in C.C.No.227 of 2018 on the file of the Learned Judicial Magistrate No.I, Mettur by allowing the above Criminal Revision Petition.

For Petitioner : Mr.P.Kannankumar

For Respondents : Mr.A.Ashok Kumar

ORDER

This Criminal Revision Case has been preferred as against the order dated 20.02.2023 passed by the Additional District and Sessions Judge, Mettur in Crl.A.No.70 of 2022 thereby confirming the the order of conviction and sentence imposed by the Learned Judicial Magistrate No.I, Mettur in C.C.No.227 of 2018 on 25.07.2022 for the offences



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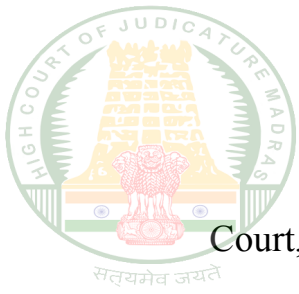
punishable under Section 138 of the Negotiable Instrument Act.

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2. The petitioner is the accused in the complaint lodged by the respondent for the offences under Section 138 of the Negotiable Instrument Act. After a full-fledged trial, the trial court found the petitioner guilty for the alleged offence and sentenced to undergo one year of Simple Imprisonment and also ordered compensation to the tune of cheque amount. Aggrieved by the same, the petitioner preferred Appeal before the Appellate Court and the same was also dismissed confirming the order of conviction by the trial court. Hence the present revision.

3. While pending revision, there was an amicable settlement between the parties. Accordingly, the petitioner had deposited the entire cheque amount to the credit of the trial court. Learned counsel for the respondent had also confirmed the same and he has no objection to set aside the conviction and sentence imposed by the trial court.

4. In view of the above, the Judgment dated 20.02.2023 passed in Criminal Appeal No.70 of 2022 by the XVIII additional City Civil



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Court, Chennai and the conviction and sentence imposed on the petitioner by the Trial Court in C.C.No.227 of 2018 dated 25.07.2022 on the file of the Court of Judicial Magistrate No.I, Mettur are hereby set aside. The respondent is permitted to withdraw the amount already credited with the trial court in C.C.No.227 of 2018 on the file of the Judicial Magistrate No.1, Mettur by way of application. It is made clear that the trial court is directed to permit the respondent to withdraw the amount which was already deposited by the petitioner with accrued interest if any without ordering notice to the petitioner.

5 Accordingly, this Criminal Revision Case is allowed. Consequently, the connected Miscellaneous Petition is closed.

09.07.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order

Nhs

G.K.ILANTHIRAIYAN, J.

Nhs



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To

1. The learned XVIII additional City Civil Court,
Chennai.
2. The learned Judicial Magistrate No.I,
Mettur.

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and Crl M.P.No.14435 of 2024

09.07.2025