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Crl.R.C.No.1860 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.1860 of 2024

and

Crl.M.P.No.15254 of 2024

B.Chandramohan

... Petitioner

Vs.

Chithradevi

... Respondent

Prayer : Criminal Revision Case filed under Section 438 r/w 442 of BNSS, pleaded to set aside the judgment and order dated 01.02.2024 in Crl. Appeal No.16 of 2020 on the file of I Additional District and Sessions Judge at Erode, dismissing the appeal for default and confirming the order dated 19.12.2019 in S.T.C.No.275 of 2019 on the file of Judicial Magistrate Fast Track Court No.1, Erode.

For Petitioner : Mr.D.Nandhagopal

For Respondent : Mr.A.Nirmal Kumar

ORDER

This Criminal Revision Case has been preferred against the judgment dated 01.02.2024 passed in Crl.A.No.16 of 2020 by the learned



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I Additional District and Sessions Judge, Erode, thereby confirmed the conviction and sentence u/s 138 of Negotiable Instruments Act imposed vide order dated 19.12.2019 passed in S.T.C.No.275 of 2019 by the learned Judicial Magistrate, Fast Track Court No.1, Erode.

2. The petitioner is the accused in the complaint lodged by the respondent for the offence u/s 138 of Negotiable Instruments Act (in short 'the NI Act') alleging that from 26.02.2018 to 19.04.2018, the petitioner has purchased tiles and chemicals from the respondent by way of 14 invoices to the tune of Rs.6,91,689/-. Out of the said amount, he had repaid a sum of Rs.4,60,090/-. In order to discharge the liability for the balance amount, on 02.04.2019, the petitioner had issued two cheques bearing Nos.000354 and 000369, dated 07.05.2019 drawn on Karur Vysya Bank, Tiruppur Branch respectively for a sum of Rs.1,06,248/- and Rs.1,25,351/- respectively in favour of the respondent. When the said cheques were presented on 07.05.2019 for collection, the same were returned on 08.05.2019 with an endorsement "Funds Insufficient". Thereafter, the respondent issued a legal notice to the office and residential address of the petitioner on 28.05.2019. In spite of the service of notice on 29.05.2019, the petitioner has neither come forward



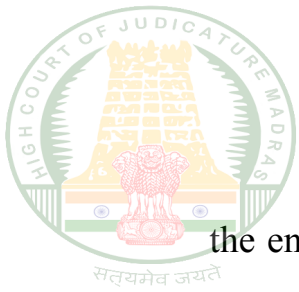
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to repay the said amount nor sent any reply to the said notice. Hence, the

respondent filed a complaint u/s 138 of NI Act on the file of Judicial Magistrate, Fast Track Court No.1, Erode in S.T.C.No.275 of 2019.

3. After elaborate discussions, the trial court convicted the petitioner u/s 138 of the NI Act and sentenced him to undergo simple imprisonment for three months and to pay a compensation of Rs.2,31,599/- to the respondent. Challenging the same, the petitioner has filed an appeal in Criminal Appeal No.16 of 2020 before the learned I Additional District and Sessions Judge, Erode and the learned Sessions Judge, vide judgment dated 01.02.2024, dismissed the appeal for default by confirming the conviction and sentence passed by the learned Judicial Magistrate, Fast Track Court No.1, Erode. Aggrieved by the same, the present revision is filed.

4. When the matter was taken up for hearing today, the petitioner and the respondent along with their learned counsel appeared before this Court and submitted that during the pending of this revision, the petitioner and the respondent arrived at a compromise and settled the case amicably and based on the said settlement, the petitioner had paid



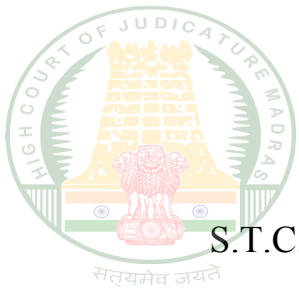
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the entire cheque amount to the respondent, which was duly received by the respondent also. Therefore, the respondent submitted that he has no objection to set aside the conviction and sentence imposed by the Trial Court and confirmed by the Appellate Court.

5. To that extent, a joint compromise memo dated 12.11.2024 has been filed before this Court, which has been signed by the petitioner and the respondent and also by their learned counsel.

6. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves. The parties have reiterated that the petitioner had paid the entire cheque amount to the respondent, which was duly received by the respondent and the respondent has no objection for setting aside the conviction and sentence imposed on the petitioner/accused by the Trial Court and confirmed by the Appellate Court.

7. In view of the settlement arrived between the parties, the conviction and sentence imposed on the revision petitioner/accused by the learned Judicial Magistrate, Fast Track Court No.1, Erode in



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S.T.C.No.275 of 2019, dated 19.12.2019 and the judgment passed by the learned I Additional District and Sessions Judge, Erode in C.A.No.16 of 2020 dated 01.02.2024 are set aside and the revision petitioner/accused is acquitted from all the charges levelled against him. Fine amount, if any paid by the petitioner/accused shall be refunded to him. Bail bond, if any, executed by the petitioner/accused shall stand cancelled.

8. Accordingly, the Criminal Revision Case is allowed in terms of the joint compromise memo dated 12.11.2024 and the same shall form part and parcel of this order. Consequently, the connected miscellaneous petition is closed.

09.07.2025

Index : Yes / No
Speaking order / Non-speaking order
NCC : Yes / No
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To

- 1.The II Additional District and Sessions Judge, Erode.
- 2.The Judicial Magistrate, Fast Track Court No.1, Erode.



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G.K.ILANTHIRAIYAN, J.

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