



Crl.R.C.No.266 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.07.2025

CORAM:

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

Crl.R.C.No.266 of 2023

R.Chandrasekar

..... Petitioner

Vs.

M.Sakthivel

..... Respondent

PRAYER:

Criminal Revision Case is filed under Sections 397 & 401 of Cr.P.C., praying to set aside the judgment passed against revision petitioner/accused dated 19.07.2022 in CA.No.95 of 2018 on the file of the III Additional District & Sessions Judge, Coimbatore confirming the judgment made in STC.No.1219 of 2011 dated 12.02.2018 on the file of the learned Judicial Magistrate No.2, Pollachi by allowing revision petition.

For Petitioner : Ms.K.Sumithra
for Mr.L.Gavaskar

For Respondent : No appearance



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ORDER

This criminal revision case has been filed against the judgment passed in CA.No.95 of 2018 on the file of III Additional District and Sessions Judge, Coimbatore dated 19.07.2022, thereby confirmed the conviction and sentence imposed by the trial court in STC.No.1219 of 2011 dated 12.02.2018 on the file of the learned Judicial Magistrate No.2, Pollachi for the offence punishable under Section 138 of NI Act.

2. The petitioner is the accused in the complaint lodged by the respondent for the offence punishable under Section 138 of NI Act alleging that on 10.05.2010, the petitioner borrowed a sum of Rs.2,25,000/- from the respondent and he also promised to return the same within three months. After repeated demand, the petitioner issued a cheque for the said sum and the same was presented for collection. However, it was returned dishonoured for the reason 'funds insufficient'. After causing statutory notice, the respondent filed the complaint.

3. On the side of the respondent, he examined himself as PW1 and

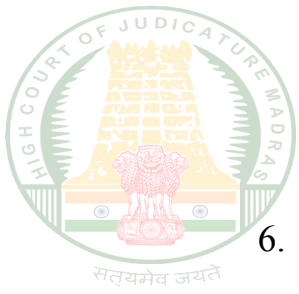


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marked Ex.P1 to Ex.P5. On the side of the petitioner, no one was examined and Ex.D1 was marked. On perusal of oral and documentary evidences, the trial court found the petitioner guilty for the offence punishable under Section 138 of NI Act and sentenced him to undergo one year simple imprisonment and also ordered to pay compensation to the respondent to the tune of the cheque amount. Aggrieved by the same, the petitioner preferred appeal and the same was also dismissed and the order of conviction and sentence imposed by the trial court was confirmed. Hence, the present revision has been filed.

4. The learned counsel for the petitioner submits that during the pendency of this criminal revision case, the petitioner has decided to settle the entire cheque amount. Accordingly, she produced a demand draft in DD.no.000100 for a sum of Rs.50,000/- as part payment towards the cheque amount.

5. However, no one appeared on behalf of the respondent before this Court either in person or through pleader though notice was served and name of the respondent has been printed in the cause list. As such, the demand draft has not been handed over.



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6. The learned counsel for the petitioner further submitted that the petitioner is ready to settle the remaining amount within a period of four weeks to the respondent.

7. In view of the above submission of the learned counsel for the petitioner, this Court is inclined to set aside the impugned judgments on a condition. Accordingly, the judgment passed in CA.No.95 of 2018 on the file of III Additional District and Sessions Judge, Coimbatore dated 19.07.2022 and the judgment passed in STC.No.1219 of 2011 dated 12.02.2018 on the file of the learned Judicial Magistrate No.2, Pollachi are set aside on condition that the the petitioner shall deposit the entire cheque amount to the credit of STC.No.1219 of 2011 on the file of the learned Judicial Magistrate No.2, Pollachi on or before 11.08.2025. On such deposit, the respondent is permitted to withdraw the same. It is made clear that the trial court is directed to permit the respondent to withdraw the amount to be deposited by the petitioner without ordering any notice to the petitioner. It is also made clear that if the petitioner fails to deposit the entire cheque amount on or before 11.08.2025, the order of the conviction and sentence imposed by the trial court, which was confirmed by the appellate court, shall stand automatically restored and thereafter, the respondent shall be at liberty to take steps in accordance with law to secure the



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petitioner to undergo the remaining sentence of imprisonment in compliance

with the order of conviction and sentence imposed by the trial court.

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

07.07.2025

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 III Additional District & Sessions Judge,
Coimbatore
2.The learned Judicial Magistrate No.2,
Pollachi

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07.07.2025

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