



Crl.R.C.No.2247 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.07.2025

CORAM:

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

Crl.R.C.No.2247 of 2024

1.M.Hemalatha
2.P.Murugesan

..... Petitioners

Vs.

C.Thirugnanan(died)

..... Respondent

PRAYER:

Criminal Revision Case is filed under Section 438 of BNSS, praying to set aside the order passed in CA.No.61 of 2023 dated 27.09.2024 on the file of the XIX Additional City Civil Judge, Chennai modifying the order passed in CC.No.2488 of 2013 dated 13.07.2022 on the file of the Fast Track Court No.IV, Metropolitan Magistrate, George Town, Chennai.

For Petitioners : Mr.S.F.Mohamed Yousuf

For Respondent : Mr.R.C.Manoharan



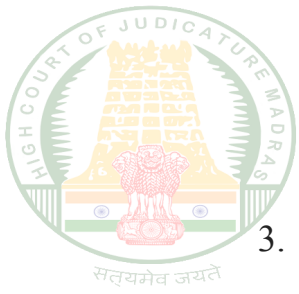
Crl.R.C.No.2247 of 2024

ORDER

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This criminal revision case has been preferred against the judgment passed in CA.No.61 of 2023 dated 27.09.2024 on the file of the XIX Additional City Civil Judge, Chennai, thereby modifying the order passed in CC.No.2488 of 2013 dated 13.07.2022 on the file of the Fast Track Court No.IV, Metropolitan Magistrate, George Town, Chennai for the offence punishable under Section 138 of NI Act.

2. There are totally two accused. The first accused is the proprietrix and the second accused is the authorized signatory of M/s.Sri Balaji Dhall Mill. The respondent/complainant is doing dhall business. The respondent lodged complaint against the accused persons for the offence punishable under Section 138 of NI Act alleging that the accused persons had purchased dhall from the respondent on 30.04.2010 under proper invoice. Towards payment for the purchase of dhall, the accused persons had issued two cheques for the purchase. Both cheques were presented for collection. However, the same were returned dishonoured for the reason 'funds insufficient'. For the statutory notice issued by the respondent, the accused persons, without repaying the amount, issued an evasive reply. Hence, the respondent lodged complaint and the same was taken cognizance by the trial court.



Crl.R.C.No.2247 of 2024

3. On the side of the respondent, PW1 was examined and Ex.P1 to Ex.P10 were marked. However, on the side of the accused persons, no one was examined and no documents were marked. On perusal of oral and documentary evidences, the trial court found the accused persons guilty for the offence punishable under Section 138 of NI Act and the accused persons were sentenced to undergo three months imprisonment. Further, the accused persons were ordered to pay compensation. Aggrieved by the same, the accused persons preferred appeal and the same was dismissed by confirming the order of conviction and sentence imposed by the trial court. Further, the respondent preferred appeal, which was partly allowed, thereby the sentence was increased to 1 year imprisonment and the prayer for enhancement of compensation was declined. Aggrieved by the judgment of the appellate court passed in the appeal filed by the complainant, this criminal revision case has been filed.

4. Heard, the learned counsel appearing on either side and perused, all the materials placed before this Court.

5. It is seen that this Court passed order in Crl.RC.No.2245 of 2024 by order dated 07.07.2025 and the said criminal revision case was filed by the same parties in similar circumstances. In the said criminal revision case, this



Crl.R.C.No.2247 of 2024

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Court has set aside the impugned judgments on condition to pay the cheque amounts within a time frame. Therefore, the same order may be passed in this criminal revision case also. As such, this Court is inclined to allow the criminal revision case on a condition.

8. Accordingly, this criminal revision case is allowed the judgment passed in CA.No.61 of 2023 dated 27.09.2024 on the file of the XIX Additional City Civil Judge, Chennai and the judgment passed in CC.No.2488 of 2013 dated 13.07.2022 on the file of the Fast Track Court No.IV, Metropolitan Magistrate, George Town, Chennai are set aside on condition that the petitioners shall pay the entire cheque amounts to the respondent on or before 04.08.2025, 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 them to undergo the sentence imposed by the trial court and the appellate court.

07.07.2025

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

(4/6)



Crl.R.C.No.2247 of 2024

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To

- 1.The XIX Additional City Civil Judge, Chennai
- 2.The Fast Track Court No.IV, Metropolitan Magistrate, George Town, Chennai.

G.K.ILANTHIRAIYAN, J.



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Crl.R.C.No.2247 of 2024

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Crl.R.C.No.2247 of 2024

07.07.2025

(4/6)