



Crl.R.C.No.1975 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.06.2025

CORAM:

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

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S.Xavier

..... Petitioner

Vs

R.Sivakumar

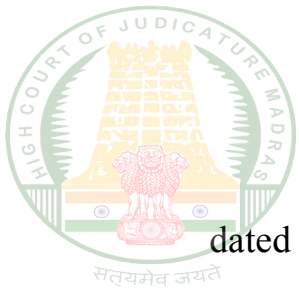
..... Respondent

PRAYER: Criminal Revision Case is filed under Sections 397 & 401 of the Code of Criminal Procedure, to set aside the conviction passed by the Hon'ble II Additional District and Sessions Judge at Tiruchengode in Crl.A.No.39 of 2024 dated 30.09.2024 confirmed in STC No.309 of 2021 on the file of the Judicial Magistrate, Fast Track Court Magisterial Level, Tiruchengode.

For Petitioner : Mr.P.Neelavathi

ORDER

This Criminal Revision Case has been filed challenging the Judgment dated 30.09.2024 passed in Crl.A.No.39 of 2024 on the file of the II Additional District and Sessions Judge, Tiruchengode, confirming the order of conviction and sentence passed in STC No.309 of 2021,



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dated 19.01.2024, on the file of the Judicial Magistrate, Fast Track Court (Magisterial Level), Tiruchengode, for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881.

2. Pending Criminal Revision, the petitioner has settled the entire cheque amount to the respondent. The respondent also appeared before this Court and deposed that he has no objection to set aside the order of conviction. In support of the same, an affidavit to that effect has been filed before this Court.

3. In view of the above, this Court is inclined to set aside the order of conviction and sentence imposed in STC No.309 of 2021, dated 19.01.2024, on the file of the Judicial Magistrate, Fast Track Court (Magisterial Level), Tiruchengode, as well as the Judgment dated 30.09.2024 passed in Crl.A.No.39 of 2024 on the file of the II Additional District and Sessions Judge, Tiruchengode. Accordingly, the conviction and sentence are hereby set aside and the terms of Affidavit dated 25.06.2025 shall form part and parcel of this order.



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5. The Superintendent of Central Prison, Salem, is directed

to release the petitioner forthwith, if his custody is not required in connection with any other case.

6. The respondent is permitted to withdraw the amount, which was already deposited by the petitioner while suspending the sentence by the Appellate Court, by filing an appropriate application before the Trial Court, It is made clear that the Trial Court shall permit the respondent to withdraw the amount, without ordering notice to the petitioner herein.

4. In the result, this Criminal Revision Case stands allowed.

25.06.2025

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

To

1. The II Additional District and Sessions Judge,
Tiruchengode.



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WEB COPY

2. The Judicial Magistrate,
Fast Track Court (Magisterial Level),
Tiruchengode.

3.The Superintendent,
Central Prison,
Salem.

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