



*CrI.R.C.No.553 of 2023*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.06.2025

CORAM:

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

CrI.R.C.No.553 of 2023

J.Sasikumar

... Petitioner

Vs.

G.Selvaraj

... Respondent

**PRAYER:** Criminal Revision has been filed under Section 397 r/w 401 of Cr.P.C., praying to set aside the sentence and conviction dated 09.12.2019 passed in CrI.A.No.149 of 2019 against the revision petitioner by the learned XVI Additional Sessions Judge at Chennai, confirming the judgment and sentence in C.C.No.1608 of 2017 on the file of the Metropolitan Magistrate, IV Fast Track Court, George Town at Chennai, dated 08.03.2019.

For Petitioner : Mr.T.Shanmuga Boopathi  
For Mr.E.Balamurugan

For Respondent : Mr.B.Govindaprabu

**ORDER**

This Criminal Revision has been preferred against the judgment dated 09.12.2019, passed by the learned XVI Additional Sessions Judge, Chennai, in CrI.A.No.149 of 2019, confirming the conviction and sentence imposed on the petitioner dated 08.03.2019 passed by the learned Metropolitan

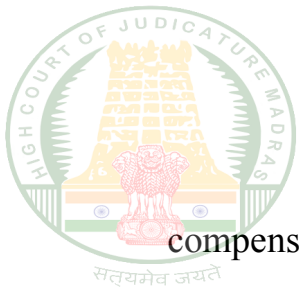


*CrI.R.C.No.553 of 2023*

Magistrate, IV Fast Track Court, George Town, Chennai, in C.C.No.1608 of 2017, for the offences punishable under Section 138 of the Negotiable Instruments Act (hereinafter referred to as “the NI Act”)

2. The petitioner is an accused on the complaint lodged by the respondent for the offence punishable under Section 138 of the NI Act, alleging that the petitioner borrowed a sum of Rs.5,00,000/- in parts on 23.01.2016 and had executed a pronote for the said consideration, thereby the petitioner promised to repay the said amount with interest at the rate of 24% per annum. Thereafter, in order to discharge the said amount, he issued 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 complaint and the same has been taken cognizance by the trial Court in C.C.No.1608 of 2017.

3. On the side of the respondent, he himself examined as P.W.1 and marked documents in Ex.P.1 to Ex.P.5. On the side of the petitioner, no one was examined and no document was marked. On perusal of oral and documentary evidences, the trial Court found the petitioner guilty and sentenced him to undergo ten months simple imprisonment and also ordered



*Crl.R.C.No.553 of 2023*

compensation to the tune of cheque amount . Aggrieved by the same, the petitioner preferred an appeal and the appellate Court confirmed the conviction and sentence imposed by the trial Court. Hence the present revision.

4. The learned counsel appearing for the petitioner seeks time to settle the cheque amount.

5. Per contra, the learned counsel appearing for the respondent submitted that the petitioner did not deny his signature and issuance of cheque. Therefore, the respondent discharged his initial burden as contemplated under Section 138 of NI Act. However, the petitioner failed to rebut the same by issuance of reply notice or by letting in evidence. Therefore, both the Court rightly convicted the petitioner and it doesn't require any interference from this Court.

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

7. On perusal of records revealed that on receipt of the statutory notice, the petitioner failed to send any notice to rebut the presumption.



*Crl.R.C.No.553 of 2023*

Further, the petitioner failed to examine any witnesses to rebut the presumption. The respondent discharged his initial burden as contemplated under Section 138 of the NI Act. Further, the petitioner did not deny the signature found in the cheque and issuance of cheque. Therefore, the trial Court as well as the appellate Court rightly convicted the petitioner for the offence punishable under Section 138 of the NI Act and this Court finds no infirmity or illegality in the orders passed by the Courts below.

8. However, considering the submission made by the learned counsel appearing for the petitioner, the order dated 09.12.2019, passed by the learned XVI Additional Sessions Judge, Chennai, in Crl.A.No.149 of 2019 and the order dated 08.03.2019 passed by the learned Metropolitan Magistrate, IV Fast Track Court, George Town, Chennai, in C.C.No.1608 of 2017, are hereby set aside on condition that the petitioner shall settle the entire cheque amount directly to the respondent on or before 14.07.2025, failing which the order passed by this Court shall stand cancelled. The respondent is at liberty to secure the petitioner to comply the order of conviction and sentence imposed by the trial Court.



*Crl.R.C.No.553 of 2023*

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9. Accordingly, this Criminal Revision Case stands disposed of.

16.06.2025

Internet: Yes

Index: Yes/No

Speaking/Non speaking order

rts

To

1.The XVI Additional Sessions Judge,  
Chennai

2.The Metropolitan Magistrate,  
IV Fast Track Court, George Town,  
Chennai



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*CrI.R.C.No.553 of 2023*

**G.K.ILANTHIRAIYAN. J,**

rts

CrI.R.C.No.553 of 2023

16.06.2025