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CrI.R.C. No.1720 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.10.2025

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THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CrI.R.C.No.1720 of 2022

G.Subhashini

... Petitioner

Vs.

M.Dhanalakshmi

... Respondent

PRAYER: Criminal Revision Case filed under Sections 397 & 401 Cr.P.C, to set aside the sentence and conviction dated 11.11.2022 in C.A.No.295 of 2016 against the revision petitioner by the learned VII Additional District & Sessions Judge at Chennai confirming the judgment and sentence in C.C.No.300 of 2015 on the file of learned Metropolitan Magistrate Fast Track Court - IV, George Town at Chennai dated 02.11.2016.

For Petitioner : Mr.K.Madhan

For Respondent : Mr.A.Thirumaran

ORDER

The petitioner/accused in C.C. No. 300 of 2015 was convicted by the trial Court by a judgment dated 02.11.2016 and sentenced to undergo three months' simple imprisonment and to pay the cheque amount Rs. 2.5 lakhs as compensation to the de facto complainant. Aggrieved by



the same, the petitioner preferred an appeal before the Sessions Court in CrI.A.No.295 of 2016. The Sessions Court, by its judgment dated 11.11.2022, dismissed the appeal, confirming the conviction and sentence of the trial Court, against which the present revision is filed.

2. The learned counsel for the petitioner submitted that the petitioner is a lady and that she had no transaction with the respondent-complainant. The petitioner had taken a loan from the husband of the one Mukesh @ Murugesan @ Kanthuvatti Murugesan contrary to the same the case is projected against the petitioner that on 21.10.2013, the petitioner took a loan of Rs. 2.5 lakhs and agreed to pay principal with 1% interest, and the loan was for family requirement. Later, almost a year after, two cheques were issued on 24.11.2014 bearing Nos.65143 for Rs.50,000/- and 65144 for Rs.2,00,000/- arriving to the value of Rs. 2.5 lakhs. When the cheques were presented, they were not honoured and returned for the reason "payment stopped". The cheque was marked as Ex.P1 and the return memo as Ex.P2, followed by the statutory notice on 09.12.2014 - Ex.P3. The notice was undelivered with the endorsement of "Absent Intimation Delivered". Ex.P4 and Ex.P5 confirm the same.



3. The learned counsel for the petitioner further submitted that the trial Court merely relied on the presumption under Sections 118 and 139 of the Negotiable Instruments Act, 1881 and convicted the petitioner without considering the cross-examination conducted in detail wherein the petitioner had probablised her defence. During appeal, petitioner, while filed a petition under Section 391 Cr.P.C to bring additional evidence to prove that the respondent's husband lodged a complaint and appeared before the Inspector of Police, N1, Royapuram Police Station wherein the confirmed the loan transaction with the petitioner. For the harassment and misuse of the cheque, the petitioner's father lodged a complaint with the Chief Minister Cell and a complaint was given to the Inspector of Police, N1, Royapuram. The respondent's husband endorsed dispute resolved and the Inspector closed the complaint, when these documents were received to be brought on record as additional defence evidence. The lower Appellate Court dismissed the petitioner's plea and thereafter the petitioner approached this Court in Crl.R.C. No. 906 of 2020 and this Court, by order dated 22.12.2019, directed the lower Appellate Court to take additional evidence. The petitioner examined herself as D.W.1 and marked Ex.D1 to D4 which further fortified the explanation and probablised her defence. The lower Appellate Court,



however, discarded the same not considered the evidence independently and dismissed the appeal. Hence it is argued that perversity committed and revision to be allowed.

4. The learned counsel for the respondent-complainant strongly opposed the petitioner's contention and submitted that the petitioner taken provocative stand at each stage. During the trial, the respondent examined as P.W.1 and marked Exs.P1 to P5. The cross-examination of the respondent was conducted in detail on 13.10.2015, 28.10.2015 and 06.06.2016. On 13.10.2015, the respondent gave details when questioned about her capacity to lend a loan of Rs. 2.5 lakhs and her capability, the respondent clearly answered that she pledged her jewels and keeping money for leasing out/pay a house for rent. When she was cross-examination on 28.10.2015, the respondent's husband's employment and his money-lending business questioned and he lodging complaints against defaulters were questioned in detail. Further, a specific question put to the respondent was that in July 2014 she lodged a complaint with N.I. Royapuram Police. During enquiry, the petitioner agreed to pay Rs. 1 lakh and settled the issue within one week. Further, her husband had given an undertaking to the police which is the specific case put forth by



the petitioner, and another question was that the respondent gave a blank signed cheque which is filled up and questioned the ink variations.

Though the question was put whether cheque can be sent for forensic examination. Thereafter, no further steps taken. On the cross-examination conducted on 06.09.2016 was with regard to the police complaint. The petitioner took different stand at each stage during trial and appeal and marked Exs.D1 to D4. The petitioner neither denied the cheque nor her signature but took a different stand at different stages. This was considered by both the trial Court as well as the lower Appellate Court, and rightly held though the petitioner had examined herself as D.W.1 and whenever difficult questions faced, she conveniently evaded by answering she did not remember which expose the criminality of the petitioner.

5. Considering the submissions and the materials available on record, this Court finds petitioner not denied the issuance of the cheque and her signature; her only contention is that cheque given to the husband of the respondent and not to the respondent. Though the respondent was elaborately cross examined nothing could be culled out in favour of the petitioner on the other hand respondent answered giving



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details and clarified the police complaint and petition sent to the Chief Minister's Grievance Cell. The cross-examination by the petitioner's side clearly exposed the petitioner's inconsistency and taking different stands in the case at each stage. In this case, both courts below, by well-reasoned judgments rightly convicted the petitioner; this Court finds no reason to interfere with the concurrent findings of the courts below.

6. Accordingly, this Criminal Revision Petition is dismissed.

The trial Court is directed to issue the conviction warrant and secure the petitioner without delay to undergo the period of her conviction. It is made clear that in the interregnum, if the petitioner comes forward for settlement and discharge her liability, she can approach the complainant for compounding the offence which can be entertained even by the trial Court.

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Index: Yes/No

Speaking/Non-speaking order

Neutral citation: Yes/No.



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To

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- 1.The VII Additional District & Sessions Judge at Chennai
2. The Metropolitan Magistrate Fast Track Court - Iv, George Town at Chennai
- 3.The Public Prosecutor, High Court of Madras.



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M.NIRMAL KUMAR, J.

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