



Crl.R.C.No.595 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.08.2025

CORAM:

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

Crl.R.C.No.595 of 2023

Tamilsevi

... Petitioner

Vs

1. The Public Prosecutor,
Coimbatore.

2. R.Dhanapal

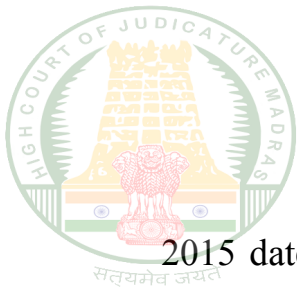
... Respondents

PRAYER: Criminal Revision Case is filed under Section 397 read with 401 of the Code of Criminal Procedure, to set aside the order dated 04.11.2022 in Crl.A.No.56 of 2020 on the file of the III Additional District and Sessions Judge, Coimbatore confirming the order in CC.No.116 of 2015 on the file of the Fast Track Court Judicial Magistrate Level -I Coimbatore.

For Petitioner	: Mr.P.Anbazhagan
For R1	: Mr.A.Gopinath Government Advocate (Crl.side)
For R2	: Notice served No appearance

ORDER

This Criminal Revision has been filed to set aside the order dated 04.11.2022 in Crl.A.No.56 of 2020 on the file of the III Additional District and Sessions Judge, Coimbatore, thereby confirming the order in CC.No.116 of



Crl.R.C.No.595 of 2023

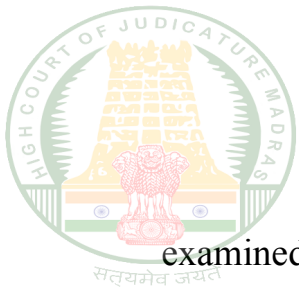
2015 dated 12.12.2019 on the file of the Fast Track Court Judicial Magistrate

Level -I Coimbatore.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) for the first respondent. Though notice served on the second respondent and the name has been printed in the cause list, today, no one appeared on behalf of the second respondent in person or through pleader.

3. The petitioner is an accused in the complaint lodged by the respondent for the offence punishable under Section 138 of Negotiable Instruments Act alleging that the petitioner borrowed a sum of Rs.4 Lakhs from the respondent on 24.01.2011 for purchasing a plot in Erode. She agreed to repay the said amount on 22.02.2011 and on the same date of borrowal, she had issued a cheque for the said amount. On instructions, the respondent presented the cheque for collection. However, it was returned dishonoured for the reason "Funds Insufficient". After causing statutory notice, the respondent filed a complaint.

4. In order to prove the charges, the second respondent was examined as PW.1 and marked Exs.P1 to 7 and on the side of the accused, she was



Crl.R.C.No.595 of 2023

examined as DW.1 and marked Exs.D1 to 3. On perusal of oral and documentary evidence, the petitioner was found guilty for the offence punishable under Section 138 of Negotiable Instruments Act and sentenced her to undergo six months simple imprisonment and also awarded compensation to the tune of cheque amount. Aggrieved by the same, the petitioner preferred appeal and the same was also dismissed, confirming the order passed by the Trial Court. Hence, this revision.

5. The learned counsel for the petitioner would submit that already 20% of the cheque amount was deposited before the Trial Court and the petitioner is ready and willing to settle the cheque amount and sought for further time.

6. Considering the above submissions made by the learned counsel for the petitioner, the order dated 04.11.2022 in Crl.A.No.56 of 2020 on the file of the III Additional District and Sessions Judge, Coimbatore, thereby confirming the order in CC.No.116 of 2015 dated 12.12.2019 on the file of the Fast Track Court Judicial Magistrate Level -I Coimbatore are hereby set aside.

7. Accordingly, this Criminal Revision Case is allowed, on condition



Crl.R.C.No.595 of 2023

that the petitioner shall make the remaining payment of the cheque amount after deducting the amount which was already deposited to the credit of the Trial Court, within a period of six weeks from the date of receipt of a copy of this order, directly to the respondent and produce the acknowledgement before the Trial Court. Failing which, the order passed by this Court shall stand automatically cancelled and the conviction and sentence imposed by the Trial Court and confirmed by the appellate Court is restored without any further reference to this Court.

8. Thereafter, the second respondent is at liberty to take appropriate steps to secure the petitioner in order to undergo the period of imprisonment imposed by the Trial Court and confirmed by the appellate Court.

18.08.2025

Internet: Yes
Index: Yes/No
Speaking/Non speaking order
mn



Crl.R.C.No.595 of 2023

WEB COPY

To

1. The III Additional District and Sessions Judge, Coimbatore
2. The Fast Track Court Judicial Magistrate Level -I Coimbatore.
3. The Public Prosecutor,
Coimbatore.
4. The Public Prosecutor,
High Court, Madras.



WEB COPY



Crl.R.C.No.595 of 2023

G.K.ILANTHIRAIYAN. J,

mn

Crl.R.C.No.595 of 2023

18.08.2025