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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :07.10.2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

Crl.R.C. No.1942 of 2025

and

Crl.M.P.Nos. 18600 and 18602 of 2025

Ramesh

...Petitioner

Vs

S.A. Arumugam

..Respondent

Prayer: This Criminal Revision petition is filed under Section 438 r/w 442 of BNSS to set aside the default dismissed Judgment dated 24.04.2025 made in C.A.No.17 of 2025 on the file of the II Additional District and Sessions Judge, Erode confirming the conviction imposed in Judgment dated 16.12.2024 made in S.T.C.No.311 of 2022 on the file of the learned Judicial Magistrate (Fast Track Court No.1), Erode by allowing this Criminal Revision petition.

For Petitioner : Mr.M.Guruprasad



ORDER

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This Criminal Revision has been filed to set aside the default dismissed Judgment dated 24.04.2025 made in C.A.No.17 of 2025 on the file of the II Additional District and Sessions Judge, Erode confirming the conviction imposed in Judgment dated 16.12.2024 made in S.T.C.No.311 of 2022 on the file of the learned Judicial Magistrate (Fast Track Court No.1), Erode by allowing this Criminal Revision petition

2.The brief facts of the case are as follows:

The petitioner purchased oil from the complainant company and there was a due for a sum of Rs.43,67.109 as on 17.10.2021 and the petitioner had not paid the said amount. Due to which the respondent/complainant had filed a case before the learned Judicial Magistrate (Fat Track Court No.1) Erode in S.T.C.No.311 of 2022 and the learned Judge has passed Judgment on 16.12.2024, wherein the petitioner was sentenced to undergo simple imprisonment for a period of three months and awarded compensation of Rs.35,00,000/- in default of the compensation amount ordered to undergo simple imprisonment for one month u/s 138 of the Negotiable Instruments Act. Aggrieved over the same the petitioner filed C.A.No.17 of 2025 before



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the learned II Additional District & Sessions Judge, Erode and the learned Judge vide order dated 23.01.2025 granted the suspension of sentence with a condition to pay a sum of Rs.7,00,000/- as compensation to the complainant. Since the petitioner was unable to mobilize the funds, the suspension of sentence was automatically cancelled. Hence this petition.

3. Today when the matter is taken up the learned counsel for the petitioner submitted that they will deposit a sum of Rs.8,00,000/-

4. Considering both side submissions ,this Court directs the petitioner to deposit Rs.7,00,000/- as compensation , to the credit of S.T.C.No.311 of 2022 on the file of the learned Judicial Magistrate (Fast Track Court No.1), Erode without prejudice his defence, within a period of three weeks from the date of receipt of a copy of this order. On such deposit being made the complainant is permitted to withdraw the same on proper identification, in the manner known to law.. The Court below is directed to restore the above criminal appeal after the payment made by the petitioner.



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5. With the above directions, this Criminal Revision case is allowed and the Judgment passed in C.A.No.18 of 2025 on the file of the II Additional District and Sessions Judge, Erode is hereby set aside. Consequently the connected miscellaneous petitions are closed.

Index : Yes/No
Internet : Yes/No
Speaking/Non-speaking Order
smn
To

07.10.2025

1. The II Additional District and Sessions Judge, Erode
2. The Judicial Magistrate (Fast Track Court No.1), Erode



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T.V.THAMILSELVI.,J
smn

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1/2