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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2025

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THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Crl.R.C.No.2248 of 2025 and

Crl.M.P.No.20516 of 2025

K. Thangavel

... Petitioner

Vs.

Ramesh Kumar

... Respondent

PRAYER : This petition is filed under Section 438 & 442 9of BNSS to set aside the Judgment and conviction passed by the II Additional District and Sessions Judge, Tiruchengode in C.A.No.184 of 2024 dated 19.08.2025 by confirming the order of learned Judicial Magistrate Fast Track Court, Tiruchengodu in S.t.C.No.306 of 2019 dated 22.02.2024 and pass orders.

For Petitioner : Mr.T. Muthukrishnan

ORDER

This Criminal Revision Case has been filed to set aside the Judgment and conviction passed by the II Additional District and Sessions Judge, Tiruchengode in C.A.No.184 of 2024 dated 19.08.2025 by confirming the order of learned Judicial Magistrate Fast Track Court, Tiruchengodu in S.t.C.No.306 of 2019 dated 22.02.2024.



2. The facts of the case is that the petitioner and the complainant are known to each other. On 14.11.2017 the accused/petitioner borrowed a sum of Rs.4.50,000/- as hand loan from the complainant/respondent and in order to discharge the said loan, the accused issued a post dated cheque on the same day. When the said cheque was presented for collection, the same was returned as “Funds Insufficient” Pursuant to which the complainant has issued legal notice. However, the accused has not turned up. Hence the complainant filed S.T.C.No.306 of 2019 for awarding suitable punishment and the same was allowed on 22.02.2024 and the accused is found guilty for the offence under section 138 of the Negotiable Instruments Act,1881 and is convicted and sentenced to undergo two months simple imprisonment u/s 255(2) of Cr.P.c and is directed to pay the compensation. Challenging the same petitioner filed C.A.No.184 of 2024 before the II Additional District and Sessions Judge, Tiruchengode who dismissed the same and confirmed the order passed in S.t.C.No.306 of 2019. Aggrieved over the same, the petitioner has come up with this petition.

3. The learned counsel for the petitioner submits that isi s a false and disputed the service of notice and he has taken all steps to pay the alleged amount



and even now he is ready and willing to settle the issue. Hence, prays to allow this petition.

4. On a perusal of the records it is found that the accused has not defended this case in a full fledged manner and he has not even chosen to receive the demand notice, he has not chosen to cross examine the complainant and failed to adduce any evidence on his part even after granting of several opportunities. It is further seen that the accused neither contested nor settled this matter out of the Court inspite of grant of sufficient opportunities. The Court below further made an observation that the complainant has successfully proved his case beyond all reasonable doubt.

5. However, in order to give one more opportunity to the petitioner this Court is inclined to direct the petitioner to deposit a sum of Rs.1,50,000/- to the credit of S.T.C.No.306 of 2019 before the learned Judicial Magistrate Fast Track Court, Tiruchengodu within a period of four weeks from the date of receipt of a copy of this order. On making such deposit the defacto complainant is permitted to withdraw the same on proper identification before the Court below. The matter is remitted back to the Trial Court to consider a fresh and the learned Judge is



directed to issue notice to the parties concerned and dispose the same as expeditiously as possible.

6. With the above directions this Criminal Revision case is disposed of. Consequently the connected miscellaneous petition is closed.

04.11.2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The II Additional District and Sessions Judge, Tiruchengode
2. The Judicial Magistrate Fast Track Court, Tiruchengode



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T.V.THAMILSELVI, J.

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