



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-10-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL RC No. 2120 of 2025

AND

CRL MP NO. 19726 OF 2025

1. SIVANANTHAM

S/o.Ramasamy, NO.92, Thillaipuram
Main Road, Kamarajar Nagar,
Namakkal Town and Taluk, Namakkal
District

Petitioner(s)

Vs

1. SUGUMAR

S/o.Palaniyappan D.No.131A,
Kaluthukadu, Salapalayam,
Kumaramangalam, Tiruchengode Town
and Taluk, Namakkal District

Respondent(s)

PRAYER

To call for the records and set aside the same in Criminal Appeal No. 137/2024 dated 07.02.2025 on the file of the Learned II Additional District and Sessions Judge, Tiruchengode, confirmed the judgment in STC No. 19/2023 dt. 21.06.2024 passed by the Learned Judicial Magistrat (FTC) Tiruchengode and thus render justice.



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For Petitioner(s): S.Sivakumar
S.Lakshmipathy

For Respondent:

JUDGEMENT

This Criminal Revision case has been filed to call for the records and set aside the same in Criminal Appeal No. 137/2024 dated 07.02.2025 on the file of the Learned II Additional District and Sessions Judge, Tiruchengode, confirmed the judgment in STC No. 19/2023 dt. 21.06.2024 passed by the Learned Judicial Magistrate (FTC) Tiruchengode.

2. The petitioner herein is accused in STC No. 19/2023 on the file of Judicial Magistrate (FTC) Tiruchengode, against whom the respondent herein filed a complaint under Section 138 of Negotiable Instrument Act, for the dishonour of cheque issued by the petitioner. Before the Trial Court the complainant/respondent herein was examined as P.W.1 and documents were marked through him as Ex.P1 to Ex.P10. According to the petitioner's counsel, the Advocate's bygott the Court proceedings, hence the petitioner sought for



time to cross examine the P.W.1, without giving opportunity to the petitioner herein the evidence was closed. The petitioner's absence is neither wilful nor wanton. However, the Trial Court passed the judgement based on the evidence of P.W.1 and convicted the petitioner by holding that there is no rebuttal evidence on the side of the respondent.

3. The learned counsel for the petitioner submits that P.W.1 was not cross examined by the petitioner, at that time, Advocate's boycott the Court proceedings, the petitioner sought time for cross examination of witnesses without giving opportunity to the petitioner, the evidence was closed and pronounced the judgment against the petitioner and the same was confirmed by the first appellate Court. Hence, seeks one more opportunity to the petitioner's case.

4. Further, he submits that during questioning under Section 313(1)(b) Cr.P.C the petitioner has disputed the alleged cheque and contend that he was not borrowed money from the respondent since there is no necessity arose for him to borrow money, he is employee of Tamil Nadu Electricity Board with fancy salary.



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5. Considering the submissions on either side and also on perusal of the records, it reveals that still he is having valid defence to rebut the presumption of the complainant. Hence, This Court is inclined to grant one more opportunity to the petitioner. Accordingly, the findings of the Courts below in Criminal Appeal No. 137/2024, on the file of the Learned II Additional District and Sessions Judge, Tiruchengode, and the judgment in STC No. 19/2023 dated 21.06.2024 passed by the Learned Judicial Magistrate (FTC) Tiruchengode. is hereby set aside. This Court is inclined to remand this matter back to the Judicial Magistrate (FTC) Tiruchengode for fresh consideration. The Trial Court is directed to complete the trial within a period of four weeks from the date of the receipt of a copy of this order by giving necessary opportunity to both parties. Further, the petitioner is directed to deposit a sum of Rs.2,00,000/- before the Trial Court within a period of two weeks from the date of receipt of a copy of this Judgement.



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6. In the result, this Criminal Revision Case is disposed of. Pending petition, if any, is/are closed.

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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 (FTC) Tiruchengode.
3. The Section Officer, V. R Section, High Court, Madras.



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T.V.THAMILSELVI J.

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