



CRL.R.C.No.1438 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

Dated: 14.08.2025

Coram:

THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

CRL.R.C.No.1438 of 2025 &
CrI.M.P.No.15551 of 2025

M.Nanthakumar

...Petitioner

Vs.

1. Mala
2. State of Tamilnadu
rep. By the Public Prosecutor,
Nilgiris

...Respondents

Prayer:

Criminal Revision filed under Section 438 r/w 442 of BNSS, 2023 to set aside the order dated 19.12.2023 made in CrI.Appeal No.37 of 2023 on the file of learned Sessions Division of Nilgiris District Court at Udthagamandalam confirmed the order dated 22.12.2022 in STC.No.17 of 2021 on the file of the learned Judicial magistrate, Fast Tract Court, Magistrate Level at Coonoor.

For Petitioner : Mr.V.T.Narendran for
Mr.P.K.Rajangam

For Respondents : Mr.A.Gopinath for R2
Govt.Advocate (CrI.Side)



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ORDER

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2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate [Crl.Side] appearing for the 2nd respondent and perused the documents placed on record.

3. The petitioner is an accused in the complaint lodged by the respondent for offence under Section 138 of Negotiable Instruments Act. After full fledged trial, the trial court convicted the petitioner for offence under Section 138 of Negotiable Instruments Act and sentenced him to undergo 6 months simple imprisonment and also awarded compensation to the tune of the cheque amount in default to undergo 2 months simple imprisonment. Aggrieved by the same, the petitioner preferred appeal and the appellate court confirmed the order passed by the trial court. As against the same, the present Revision has been filed.



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4. It is the contention of the learned counsel for the petitioner that the present Revision has been filed with delay and even before filing the revision, the petitioner was arrested and remanded to judicial custody in order to undergo the sentence imposed by the trial court. Now, the petitioner had undergone the entire period of sentence along with default sentence, namely 8 months, further, when the appeal is pending before the appellate court, the petitioner had deposited a sum of Rs. 40,000/- [Rupees forty thousand only] to the credit of STC No.17 of 2021 before the trial court.

5. In view of the above, the petitioner is permitted to withdraw the amount, which was already deposited by him in STC No.17 of 2021 on the file of the learned Judicial Magistrate, Fast Track Court, Magistrate Level at Coonoor by filing appropriate application. It is also made clear that the trial court is directed to permit the petitioner to withdraw the amount without ordering any notice to the respondents.

Accordingly, the present Revision is disposed of. Consequently, connected miscellaneous petition is closed.

14.08.2025

Index : Yes / No
Internet : Yes / No
Speaking Order / Non Speaking Order



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G.K.ILANTHIRAIYAN, J.

ssd

To

1. The Sessions Division of Nilgiris District Court
at Udhagamandalam
2. The learned Judicial magistrate, Fast Tract Court, Magistrate Level at
Coonoor.
3. The Public Prosecutor,
High court, Madras

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