



Crl.R.C.(MD).No.165 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 25.08.2025

CORAM

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

Crl.RC(MD)No.165 of 2021

A.Rajkumar ... Petitioner/Appellant/Respondent

Vs.

V.S.Kannan ... Respondent/Respondent/Complainant

PRAYER: Criminal Revision Case has been filed under Section 397 r/w 401 of Cr.P.C., to set aside the order passed in C.A.No.6 of 2020 on the file of the Sessions Judge, Mahalir Neethimandram, Fast Track Court Theni, dated 26.11.2020 confirming the order of conviction passed in S.T.C.No.47 of 2019, dated 26.11.2019 on the file of the learned Judicial Magistrate, Fast Track Court, Theni.

For Petitioner : Mr.I.Pinaygash

For Respondent : Mr.A.Haja Mohideen



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ORDER

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This criminal revision case has been filed to set aside the order passed in C.A.No.6 of 2020 on the file of the Sessions Judge, Mahalir Neethimandam, Fast Track Court Theni, dated 26.11.2020 confirming the order of conviction passed in S.T.C.No.47 of 2019, dated 26.11.2019 on the file of the learned Judicial Magistrate, Fast Track Court, Theni.

2.The case of the complainant is that the accused borrowed a sum of Rs. 2,00,000/- (Rupees Two Lakhs only) from the complainant on 05.04.2019 as hand loan for his urgent, family expense and for his business and issued a cheque dated 08.05.2019 bearing Cheque No.283401 drawn on State Bank of India, Theni Branch and the complainant presented the cheque on 08.05.2019 for collection in the Bank of Baroda, Theni Branch and the same was returned by the memo on 10.05.2019 as “Funds Insufficient”. Hence, the Complainant issued a notice dated 14.05.2019 to the accused which was received on 17.05.2019. However, he did not repay the amount or sent any reply to the complainant. Hence, the respondent filed a complaint under Section 138 of Negotiable Instruments Act, and the same was taken on file in S.T.C.No.47 of 2019 before the learned Judicial Magistrate, Fast Track Court, Theni.



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3. Thereafter, on receipt of the summons, the petitioner appeared and contested the case. During trial, the complainant examined himself as PW1 and exhibited documents as Ex.P1 to P6. On the side of the accused two witnesses were examined as DW1 and DW2 and marked documents as Ex.D1 to Ex.D3.

4. The learned Judicial Magistrate, Fast Track Court, Theni, after full-fledged trial, passed the Judgment in S.T.C.No.47 of 2019 dated 26.11.2019 and convicted the petitioner for the offence under Section 138 of the Negotiable Instrument Act and sentenced him to undergo four months simple imprisonment and directed him to pay compensation of Rs.2,00,000/- (Rupees Two Lakhs only) to the complainant along with 9% interest from the date of dishonour of the cheque, within a period of one month, in default to undergo two months of simple imprisonment. Challenging the above said conviction and sentence, the petitioner preferred the Criminal Appeal before the learned Sessions Judge, Mahalir Neethimandram, Fast Track Court Theni, in C.A.No.6 of 2020. However, the same was dismissed on 26.11.2020, confirming the conviction and sentence imposed on the petitioner. Aggrieved over the above said conviction and sentence imposed by the Courts below, the petitioner has preferred the



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present Criminal Revision Case.

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5.Today (ie., on 25.08.2025), when the matter was taken up for hearing, both the learned counsel on record would submit that they have already settled the matter and the cheque amount has been deposited by the petitioner before the trial Court. The learned counsel for the petitioner would submit that he has no objection to withdraw the above said amount by the defacto complainant/respondent.

6.In view of the compromise reached between the parties, the offence under section 138 of the Negotiable Instruments Act stands compounded under Section 147 of the Negotiable Instruments Act.

7.Accordingly, the conviction and sentence imposed by the learned Judicial Magistrate, Fast Track Court, Theni, in S.T.C.No.47 of 2019 dated 26.11.2019 and confirmed by the learned Sessions Judge, Mahalir Neethimandam, Fast Track Court Theni, in C.A.No.6 of 2020, dated 26.11.2020 is hereby set aside and the Criminal Revision case is allowed. The accused is acquitted from the charges levelled against him. The defacto



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complainant/respondent is permitted to withdraw the amount deposited by the petitioner/accused before the trial Court. Bail bond if any, executed by the accused shall stand discharged.

25.08.2025

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
TM/*sbn*

To

- 1.The Sessions Judge, Mahalir Neethimandram, Fast Track Court
Theni.
- 2.The Judicial Magistrate, Fast Track Court, Theni.
- 3.The Section Officer,
Criminal Record,
Madurai Bench of Madras High Court,
Madurai.



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K.K.RAMAKRISHNAN, J.

TM/sbn

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