



Crl.R.C.(MD).No.373 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 24.11.2025

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THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

Crl.RC(MD)No.373 of 2021
and Crl.M.P.(MD).No.3805 of 2021

Arunachalam

... Petitioner/Appellant/Accused

Vs.

Sattanathan

... Respondent/Respondent/Complainant

PRAYER: Criminal Revision Case has been filed under Section 397 and 401 of Cr.P.C., to set aside the order passed in C.A.No.59 of 2018 on the file of the III Additional District and Sessions Judge, Tirunelveli, dated 21.11.2019 confirming the order of conviction passed in C.C.No.78 of 2015, dated 24.05.2018 on the file of the learned Judicial Magistrate, Ambasamudram.

For Petitioner : Mr.A.Mohan for
M/s.Venkatesan V.R.
For Respondent : Mr.K.Arunraj

ORDER

This civil revision case has been filed to set aside the order passed in C.A.No.59 of 2018 on the file of the III Additional District and Sessions Judge, Tirunelveli, dated 21.11.2019 confirming the order of conviction passed in



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C.C.No.78 of 2015, dated 24.05.2018 on the file of the learned Judicial Magistrate, Ambasamudram.

2.The case of the complainant is that the accused borrowed a sum of Rs.1,60,000/- from the complainant and promised that he will repay the same within a period of one month. But, he did not do so. Hence, the respondent demanded the same. At that time, the accused issued a cheque for the sum of Rs.1,60,000/- dated 19.02.2016 drawn in Indian Overseas Bank, Ambasamudram Branch. The same was deposited by the defacto complainant on 20.02.2015 before the State Bank of India, Ambasamudram. But, the same was returned on 23.02.2014 as 'Funds insufficient'. Hence, the defacto complainant issued statutory notice on 23.03.2015. Thereafter, the respondent initiated the proceedings under Section 138 of Negotiable Instruments Act, on the file of the learned Judicial Magistrate, Ambasamudram, in C.C.No.78 of 2015.

3.Thereafter, on receipt of the summons, the petitioner appeared and contested the case. During trial, on the side of the complainant he himself was examined as PW1 and marked Ex.P1 to Ex.P5. On the side of the accused no witness was examined and no document was marked.



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4.The learned Judicial Magistrate, Ambasamudram, after full-fledged trial, has passed the Judgment in C.C.No.78 of 2015 dated 24.05.2018 and convicted the petitioner for the offence under Section 138 of the Negotiable Instrument Act and sentenced him to undergo one year simple imprisonment. Challenging the above said conviction and sentence, the petitioner preferred the Criminal Appeal before the learned III Additional District and Sessions Judge, Tirunelveli, in C.A.No.59 of 2018. However, the same was dismissed on 21.11.2019, thereby 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 present Criminal Revision Case.

5.Pending revision, this Court directed the petitioner to settle the amount. As directed by this Court, the revision petitioner settled the entire amount in part payments and by way of depositing some money before the trial Court. Now the petitioner has present before this Court in person and settled the last installment and he has no objection to withdraw the amount deposited by him before the trial Court by the respondent.



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6. Recording the above said submissions made by the learned counsel for the petitioner and also in view of the settlement 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, Ambasamudram, in C.C.No.78 of 2015 dated 24.05.2018 and confirmed by the learned III Additional District and Sessions Judge, Tirunelveli, in C.A.No.59 of 2018, dated 21.11.2019 is hereby set aside and the Criminal Revision case is allowed. The accused is acquitted from the charges levelled against him. Bail bond if any, executed by the accused shall stand discharged. The respondent is permitted to withdraw the amount deposited by the petitioner before the trial Court by following due procedure.

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NCC : Yes/No
Index : Yes/No
Internet: Yes/No
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To

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- 1.The III Additional District and Sessions Judge, Tirunelveli,
Tirunelveli District.
- 2.The Judicial Magistrate No.I, Madurai, Tirunelveli District.
- 3.The Section Officer,
Criminal Record,
Madurai Bench of Madras High Court,
Madurai.



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K.K.RAMAKRISHNAN, J.

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