



Crl.R.C.(MD).No.557 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 26.08.2025

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THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

Crl.RC(MD)No.557 of 2022

J.George Sebastian

... Petitioner/Appellant/Accused

Vs.

P.Senthilkumar

... 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.66 of 2020 on the file of the IV Additional District and Sessions Judge, Madurai, dated 11.04.2022 confirming the order of conviction passed in S.T.C.No.829 of 2016, dated 22.10.2020 on the file of the learned Judicial Magistrate No.II, Fast Track Court, Madurai.

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.66 of 2020 on the file of the IV Additional District and Sessions Judge, Madurai, dated 11.04.2022 confirming the order of conviction passed in



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S.T.C.No.829 of 2016, dated 22.10.2020 on the file of the learned Judicial Magistrate No.II, Fast Track Court, Madurai.

2.The case of the complainant is that the accused borrowed a sum of Rs.1,00,000/- from the complainant and promised that he will repay the same within a period of four months. 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. 1,00,000/- dated 20.11.2015 drawn in State Bank of India, Ilayangudi, Sivagangai District, bearing cheque No.121565. The same was deposited by the defacto complainant on 20.11.2015 before the ICICI Bank, Bypass Road, Madurai. But, the same was returned on 24.11.2015 as 'insufficient funds'. Therefore, the defacto complainant demanded the amount orally. But, the accused drag on the defacto complainant without paying any money. Hence, the defacto complainant sent a legal notice to the accused on 22.12.2015. It was returned as 'Addressee is not in the said address'. Hence, the respondent initiated the proceedings under Section 138 of Negotiable Instruments Act, on the file of the learned Judicial Magistrate No.II, Fast Track Court, Madurai, in S.T.C.No. 829 of 2016.



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3. Thereafter, on receipt of the summons, the petitioner appeared and contested the case. During trial, on the side of the complainant PW1 to PW3 were examined and marked Ex.P1 to Ex.P8. On the side of the accused RW1 to RW3 were examined and Ex.R1 to R10 were marked.

4. The learned Judicial Magistrate No.II, Fast Track Court, Madurai, after full-fledged trial, has passed the Judgment in S.T.C.No.829 of 2016 dated 22.10.2020 and convicted the petitioner for the offence under Section 138 of the Negotiable Instrument Act and sentenced him to undergo six months simple imprisonment and also ordered to pay the compensation of Rs.1,00,000/-, to the respondent within a period of three months, in default to undergo two months simple imprisonment. Challenging the above said conviction and sentence, the petitioner preferred the Criminal Appeal before the learned IV Additional District and Sessions Judge, Madurai, in C.A.No.66 of 2020. However, the same was dismissed on 11.04.2022, 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.



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5.Today (i.e., on 26.08.2025), when the matter is taken up for hearing, the learned counsel for the petitioner would submit that the matter has been settled between the parties and the petitioner has already deposited a sum of Rs. 1,00,000/- before the trial Court and he has no objection to withdraw the said amount by the respondent.

6.Recording the above said submissions made by the learned counsel for the petitioner and 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 No.II, Fast Track Court, Madurai, in S.T.C.No.829 of 2016 dated 22.10.2020 and confirmed by the learned IV Additional District and Sessions Judge, Madurai, in C.A.No.66 of 2020, dated 11.04.2022 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



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stand discharged. The respondent is permitted to withdraw the amount deposited by the petitioner before the trial Court by following due procedure.

26.08.2025

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

- 1.The IV Additional District and Sessions Judge, Madurai,
Madurai District.
- 2.The Judicial Magistrate No.I, Madurai, Madurai 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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