



Crl.R.C(MD)No.1006 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **11.09.2025**

CORAM

THE HONOURABLE **MR.JUSTICE SHAMIM AHMED**

CRL.R.C.(MD)No.1006 of 2025

and

CRL MP(MD)No.10461 of 2025

C.Sivankutty,
S/o.Chellappapillai,
No.33/106, 3rd Street, Keezhkulam,
Padmanabhapuram, Thuckalay Post,
Kanyakumari District.

... Petitioner

vs.

1.S.Cross Arul Raj,
S/o.Sanjothiri,
Retna Cottage, Main Road,
Thuckalay,
Kanyakumari District.

2.The State of Tamil Nadu,
Represented by the Public Prosecutor,
Nagercoil.

... Respondent

PRAYER: Criminal Revision Petition is filed under Section 438 r/w 442 of BNSS, 2023, to call for the records and to set aside the condition imposed in Crl.M.P.No.1475 of 2024 in C.A.No.127 of 2023 dated



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04.03.2024 passed by the learned Principal District Sessions Judge,
Nagercoil by allowing this Criminal Revision Petition.

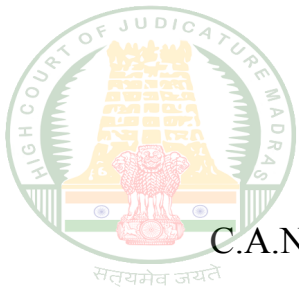
For Petitioner :Mr.M.Mithun

For Respondent :Mr.K.Muthurakken
R-1
Mr.M.Karunanithi
Government Advocate
(Criminal Side)
R-2

ORDER

Heard Mr.M.Mithun, learned counsel appearing for the Petitioner,
Mr.K.Muthurakken, learned counsel, who accepts notice on behalf of the
1st Respondent and Mr.M.Karunanithi, learned Government Advocate ,
who accepts notice on behalf of the 2nd Respondent. Therefore, no further
notice is required to be issued to the Respondents.

2. This Criminal Revision Petition has been filed by the petitioner
to set aside the condition imposed in CrI.M.P.No.1475 of 2024 in



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C.A.No.127 of 2023 dated 04.03.2024 passed by the learned Principal

WEB CO District Sessions Judge, Nagercoil.

3.The facts of the case in a nutshell, led to filing of this Criminal Revision Petition and necessary for disposal of the same, are as follows:-

a) The Petitioner was convicted and sentenced for the offence under Section 138 of the NI Act, by the learned Judicial Magistrate (Fast Track) Court, Nagercoil in S.T.C.No.197/2017 by the judgment dated 26.06.2023, to undergo simple imprisonment for one year and to pay a sum of Rs.23,00,000/-, as compensation to the complainant. As against the same, the Petitioner filed a Criminal Appeal in Crl.A.No.127 of 2023 along with a petition for suspension of sentence in Crl.M.P.No.7014 of 2023.

b) The learned Principal Sessions Judge, Kanyakumari, vide order dated 15.12.2023, allowed the said Crl.M.P.No.7014 of 2023 with the condition that the Petitioner/accused shall deposit 20% of the total compensation amount imposed by the Trial Court, i.e., Rs.4,60,000/-,



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before the concerned Judicial Magistrate, within a period of 60 days from the date of the order, i.e., on or before 13.02.2024 and ordered the Petitioner to be enlarged on bail on his executing a bond for Rs.10,000/- with two sureties each for a like sum to the satisfaction of the Judicial Magistrate, Fast Track Court, Nagercoil, within two weeks from the date of the said order, failing which the suspension granted to him shall be automatically canceled.

c) Thereafter, the Petitioner could not comply with the conditions imposed in the order dated 15.12.2023 on the alleged medical grounds. Hence, the Petitioner filed CrI.M.P.No.1475 of 2024 in CrI.M.P.No.7014 of 2023 for extension of time to comply with the condition imposed by the lower Appellate Court as stated above. The learned Principal Sessions Judge, Kanyakumari District at Nagercoil, by the impugned order dated 04.03.2024, extended the time till 21.03.2024 to comply with the conditions. Aggrieved by the same, the present Criminal Revision Petition has been filed.



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4. The learned counsel for the Petitioner submits that the Petitioner is working in a laundry shop and drawing a salary of Rs.7,000/- per month and had never borrowed any such amount from the 1st Respondent/complainant. He further submits that the lower Appellate Court ought not to have imposed the condition to deposit 20% of the compensation amount for suspension of sentence, since the Petitioner had taken a specific plea that the cheque was taken away by the 1st Respondent as security for the lease agreement between the Petitioner and the 1st Respondent.

5. Per contra, the learned counsel for the Respondents submitted that the lower Appellate Court has rightly passed the impugned order imposing the condition to deposit 20% of the compensation amount and ordered the Petitioner to be enlarged on bail on his executing a bond for Rs.10,000/- with two sureties after duly considering the facts and circumstances of the case. It is contended that, in such circumstances,



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and in order to meet the ends of justice, the impugned order does not warrant any interference by this Court. There is no illegality, impropriety, or perversity in the impugned order, nor does it reflect any abuse of the process of the Court.

6. I have considered the submissions of the learned counsel for the parties and also perused the record.

7. The learned counsel for the Petitioner has not been able to point out any such illegality or impropriety or incorrectness in the impugned order imposing the condition on the Petitioner to deposit 20% of the compensation amount and ordered the Petitioner to be enlarged on bail on his executing a bond for Rs.10,000/- with two sureties which may persuade this Court to interfere in the same. The Petitioner was convicted and sentenced by the Trial Court for the offence under Section 138 of the Negotiable Instruments Act to undergo simple imprisonment for one year and to pay a compensation of Rs.23,00,000/-. The lower Appellate Court,



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while suspending the sentence, imposed a condition to deposit 20% of the compensation amount, which is in accordance with the law. The Petitioner's contention that the cheque was taken away by the 1st Respondent as security for the lease agreement is not substantiated by any concrete evidence. The contention of the Petitioner is that the cheque was issued for security, but this contention is not plausible in view of the judgment rendered by the Bombay High Court in the case of ***Purushottam Maniklal Gandhi Versus Manohar K. Deshmukh and another, reported in 2007 STPL(DC) 988(BOM); 2007(4) BOMCR404***, wherein it has been held that if a person hands over a duly signed blank cheque, thereby he gives an authority to the holder to put a date of his choice and to present the same for encashment. The cheque does not lose its sanctity merely due to the fact that the same has been filled in by some other person.

8. It is relevant to refer the judgment of Hon'ble Supreme Court reported in ***AIR 2019 SC 2446, (Bir Singh Vs Mukesh Kumar)***, wherein



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the Hon'ble Supreme Court has held that the presumption as to legally enforceable debt, the rebuttal of signed blank cheque, if voluntarily presented to payee towards the payment, payee may fill up the amount and other particulars, that itself would not invalidate the cheque. The onus would still be on the accused to prove the cheque was not issued for discharge of debtor liability by adducing evidence.

9. In the case of ***Rangappa vs. Sri Mohan, reported in (2010) 11 SCC 441***, the Hon'ble Supreme Court held that once the accused admits his signature in the cheque, then the presumption comes into play in favour of the complainant.

10. In the present case, the cheque has been given by the accused in favor of the complainant for a legally enforceable debt or other liability of Rs.18,00,000/- towards the complainant, and the accused has miserably failed to rebut the presumption raised in favor of the complainant by his probable defense. In view of same, the Trial Court



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found the Petitioner guilty of the offence under Section 138 of the N.I.

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Act and thus imposed a sentence to undergo one year of simple imprisonment and to pay compensation of Rs.23,00,000/-.

11. The lower Appellate Court, while entertaining the Petitioner's appeal and application for suspension of sentence, directed the Petitioner/accused to deposit 20% of the total compensation amount imposed by the Trial Court, i.e., Rs.4,60,000/-, before the concerned Judicial Magistrate. The Petitioner was also ordered to be enlarged on bail on his executing a bond for Rs.10,000/- with two sureties each for a like sum to the satisfaction of the Judicial Magistrate, Fast Track Court, Nagercoil, within two weeks from the date of the said order, failing which the suspension granted to him shall be automatically canceled.

12. Despite the lower Appellate Court granting sufficient time to comply with the conditions, without complying with the above said conditions, the Petitioner has filed the present petition, seemingly with



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the intention of further delaying the proceedings. The impugned order appears to be just and reasonable, and there is no ground to interfere with the same. The Trial Court's judgment is based on a thorough analysis of the evidence and circumstances of the case. The Petitioner's failure to comply with the conditions imposed by the impugned order dated 04.03.2024 in CrI.M.P.No.1475 of 2024 in C.A.No.127 of 2023 passed by the learned Principal District Sessions Judge, Nagercoil, is not justified, and the extension of time granted by the lower Appellate Court is reasonable. Thus, this Court is not inclined to interfere in the impugned order dated 04.03.2024 in CrI.M.P.No.1475 of 2024 in C.A.No.127 of 2023 passed by the lower Appellate Court.

13. In view of the above findings, I do not find any merit in the Criminal Revision Petition. The Criminal Revision Petition is **dismissed**. Interim Order, if any, stands vacated and the file is consigned to record. There shall be no order as to costs.



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14. The Petitioner is directed to comply with the conditions imposed by the lower Appellate Court in the impugned order dated 04.03.2024 in CrI.M.P.No.1475 of 2024 in C.A.No.127 of 2023 passed by the learned Principal District Sessions Judge, Nagercoil, within three weeks from the date of receipt of a certified copy of this order, failing which the lower Appellate Court shall proceed further in accordance with law.

Consequently, connected miscellaneous petition stands closed.

Index :Yes / No
Internet :Yes / No
NCC :Yes / No
Nsr

11.09.2025

To:

- 1.The Principal District Sessions Court, Nagercoil.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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SHAMIM AHMED, J.

Nsr

Order made in
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