



Crl.R.C.(MD).No.555 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.08.2025

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CORAM :

THE HONOURABLE MR.JUSTICE K.K. RAMAKRISHNAN

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Alagarasan ... Petitioner/Appellant/Accused

Vs.

Vembuthurai ... Respondent/Respondent/
Complainant

PRAYER: Criminal Revision Case has been filed under Section 397 r/w. 401 Cr.P.C., to set aside the impugned judgment dated 03.03.2021 made in Crl.A.No.52 of 2019 on the file of the learned V Additional District and Sessions Judge, Madurai, confirming the judgment dated 25.03.2019 made in S.T.C.No.611 of 2014 on the file of the learned Judicial Magistrate Court No.1, FTC Level, Madurai.

For Petitioner : Mr.M.S.Jeyakarthik

For R2 : Mr.S.Ramasamy

ORDER

This Criminal Revision Case has been filed to set aside the impugned judgment dated 03.03.2021 made in Crl.A.No.52 of 2019 on the file of the learned V Additional District and Sessions Judge, Madurai,



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confirming the judgment dated 25.03.2019 made in S.T.C.No.611 of 2014 on the file of the learned Judicial Magistrate Court No.1, FTC Level, Madurai.

2. The petitioner, who is running a hospital in the name and style of “Abiksha Hospitals”, borrowed a sum of Rs.6,00,000/- from the respondent on 10.03.2014 and Rs.4,00,000/- on 25.03.2014 respectively for family needs and for his sons' educational expenditure. To discharge the said debt, he issued three cheques bearing Nos.501021, 501022 and 501023 for Rs.3 lakhs, Rs.3 lakhs and Rs.4 lakhs, on 23.08.2014, which were drawn on the bank of ICICI Bank, Subramaniyapuram Branch, Madurai. The respondent presented the above said cheques before the Canara Bank, Keezhaveliveethi Branch, Madurai, on 01.09.2014 and the same were returned on 02.09.2014 with an endorsement “In-sufficient funds”. So, the respondent issued a legal notice on 30.09.2014. The petitioner received the notice on 04.10.2014. He sent a reply notice on 20.10.2014 with false allegations. In such circumstances, the respondent filed a complaint under Section 138 before the learned Judicial Magistrate Court No.1, FTC Level, Madurai. The learned Judicial Magistrate took the complaint on file in S.T.C.No.611 of 2014.



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3. Thereafter, on receipt of the summons, the petitioner appeared and contested the case. The learned Trial Judge after confirming the evidence of PW.1 and DW.1 & D.W.2 and perusing the documents Ex.P1 to Ex.P9 and Ex.D.1, passed the conviction under Section 138 of Negotiable Instruments Act to undergo 6 months Simple Imprisonment and directed to pay compensation of Rs.10,00,000/- by the Judgment, dated 25.03.2019.

4. Aggrieved over the same, the petitioner filed the Criminal Appeal in C.A.No.52 of 2019 on the file of the V Additional District and Sessions Judge, Madurai. The learned Appellate Judge also confirmed the same. Hence, the petitioner preferred this revision before this Court.

5. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent.

6. Today, when the matter is taken up for hearing, both the parties and the respective learned counsel appeared before this Court. The learned counsel for the petitioner submitted that the petitioner has paid the amount of Rs.4,25,000/- out of agreed amount of Rs.8,50,000/- as per



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the award passed in lokadalat dated 14.09.2024 and also willing to pay the remaining amount of Rs.4,25,000/-. He has also filed an undertaking affidavit to that effect. The relevant paragraphs of the said undertaking affidavit is extracted hereunder:

“5) I most respectfully submit that during the pendency of the present revision petition, this Hon'ble High Court referred my revision case to the Hon'ble lok-adalat. During the above lok adalat proceedings, a settlement was occurred between me and respondent and the lok-adalat passed award vide order dated 14.09.2024 and the operation portion of the above award is extracted herein under:

“2.Both the parties are present and agreed to settle the matter for a sum of Rs.8,50,000/- as full quit. The revision petitioner is ready to pay half of the amount (Rs.4,25,000/-) on 21.09.2024. Balance amount of Rs.4,25,000/- shall be paid on or before 15.12.2024 without fail. If the revision petitioner in any case failed to comply with the above settlement, the order no passed by this Court shall stand vacated automatically and restored to its original position. Accordingly, this criminal revision case is ordered.

3.The matter is posed before the regular Court for setting aside the conviction and sentence”



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6) *I most respectfully submit that I affected by Torsion dystonia ailment and I have been taking regular treatment to my above ailment for the past 8 years. Due to my ill health condition as well as my family's poor financial condition, I could not able to pay the settlement amount to the respondent as per the above mentioned lokadalat award dated 14.09.2024.*

7) *I most respectfully submit that in view of the above circumstances, I approached the respondent for amicable settlement again and consequently, the compromise agreement dated 07.10.2024 was made between us for settling amount of Rs.8,50,000/-. Based on the above agreement, I paid Rs.3 lakhs to the respondent through my wife's cheque bearing No.597164 dated 10.10.2024 of SBI, Palanganatham branch. Thereafter, I paid Rs.1,25,000/- to the respondent through DD No.827644 dated 14.11.2024.*

8) *I most respectfully submit that as per the compromise agreement dated 07.10.2024, the full settlement amount has to be paid on or before 15.12.2024. However, due to my ailment and my family's financial crisis, I could not able to mobilize the fund immediately. Moreover, my 2 sons are doing their post graduation and they are doing their final year in MS [Ortho] & MS [Surgery] respectively. Therefore, I have been also meeting my son's educational expenses.*



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Moreover, I am also meeting medical expenditures for my ailment. Due to the above bonafide reasons, I could not able to pay the remaining settlement amount to the respondent within the prescribed time.

*9) I most respectfully submit that as per the lokadalat award dated 14.09.2024 and compromise agreement dated 07.10.2024, the settlement amount was fixed as Rs.8,50,000/-. In which, I paid Rs.4,25,000/- to the respondent as of now. I have been taking all earnest steps to settle the remaining amount of Rs.4,25,000/-to the respondent as early. If further time of 45 days is given, I will definitely settle the remaining settlement amount to the respondent. In order to show my bonafide, I voluntarily file this undertaking affidavit before this Hon'ble High Court. Therefore, **I am hereby undertaking that I will pay the remaining amount of Rs.4,25,000/- to the respondent within a period of 45 days from today.***

7. In view of the above said affidavit filed by the petitioner, the offence under Section 138 of the Negotiable Instruments Act stands compounded under Section 147 of the Negotiable Instruments Act.



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8. Accordingly, the Criminal Revision case is allowed on the following terms:-

i) The conviction and sentence imposed by the learned Judicial Magistrate Court No.1, FTC Level, Madurai, in S.T.C.No.611 of 2014 dated 25.03.2019 and confirmed by the learned V Additional District and Sessions Judge, Madurai, in Crl.A.No.52 of 2019 dated 03.03.2021, is hereby set aside.

ii) The petitioner/accused is directed to pay the remaining amount of Rs. 4,25,000/- (Rupees Four Lakhs and Twenty Five Thousand Only) on or before 07.10.2025.

iii) In the event of failure to make the remaining amount of Rs.4,25,000/- (Rupees Four Lakhs and Twenty Five Thousand Only) on or before 07.10.2025, the conviction and sentence passed by the learned Judicial Magistrate Court No.1, FTC Level, Madurai, in S.T.C.No.611 of 2014 dated 25.03.2019, shall be automatically restored.

iv) Bail bond if any, executed by the accused shall stand discharged.

9. Post this matter on 08.10.2025 'for reporting compliance'.

13.08.2025

NCC :Yes/No
Index :Yes/No
Internet : Yes/ No
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K.K. RAMAKRISHNAN. J.,

dss

To

1. The V Additional District and Sessions Judge,
Madurai.
2. The Judicial Magistrate Court No.1, FTC Level,
Madurai.
3. The Section Officer,
Record Section (Crl.)
Madurai Bench of Madras High Court, Madurai.

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