



Crl.R.C.(MD).No.138 of 2021

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.138 of 2021

Ragavan @ Madasamy

... Petitioner/Appellant/Accused

Vs.

1.Jeyaseelan

... Respondent/Respondent/Complainant

2.Anthoniyammal

3.Anthoni Jepastin

4.Pervin

... Respondents

(R1 died. The legal heirs of the deceased R1 namely R2 to R4 were suo motu impleaded as per order of this Court dated 14.08.2025 in Crl.R.C.(MD).No.138 of 2021)

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.120 of 2019 on the file of the IV Additional District and Sessions Judge, Tirunelveli, dated 19.11.2020 confirming the order of conviction passed in S.T.C.No.198 of 2016, dated 12.11.2019 on the file of the learned Judicial Magistrate No.I, Tirunelveli.

For Petitioner : Ms.S.Prabha for
M/s.Vairam Santhosh G.V.
For Respondent : Mr.K.Rajeshwaran



Crl.R.C.(MD).No.138 of 2021

ORDER

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This civil revision case has been filed to set aside the order passed in C.A.No.120 of 2019 on the file of the IV Additional District and Sessions Judge, Tirunelveli, dated 19.11.2020 confirming the order of conviction passed in S.T.C.No.198 of 2016, dated 12.11.2019 on the file of the learned Judicial Magistrate No.I, Tirunelveli.

2.The case of the complainant is that in order to purchase a property from the accused person the defacto complainant paid an advance amount of Rs.2,00,000/- to the accused. But, the accused against the agreement, sold the property to third person. Hence, the defacto complainant demanded the advance amount, which has been paid by him. The accused paid Rs.1,00,000/- in cash and for another Rs.1,00,000/- he issued a cheque dated 07.04.2014 bearing cheque No.291721, drawn in ICICI Bank, Tirunelveli Junction. The same was deposited by the defacto complainant on 09.04.2014 before the Canara Bank, Vannarpettai Branch, Tirunelveli. But, the same was returned on 10.04.2014 as 'insufficient funds'. Hence, the defacto complainant sent a legal notice to the accused on 22.04.2014. It was returned as 'unclaimed'. Hence, the respondent initiated the proceedings under Section 138 of Negotiable Instruments Act, on the file of the



Crl.R.C.(MD).No.138 of 2021

learned Judicial Magistrate No.I, Tirunelveli, in S.T.C.No.198 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 he himself was examined as PW1 and marked Ex.P1 to Ex.P4. On the side of the accused none was examined and no document was marked.

4. The learned Judicial Magistrate No.I, Tirunelveli, after full-fledged trial, has passed the Judgment in S.T.C.No.198 of 2016 dated 12.11.2019 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 one month, in default to undergo one month simple imprisonment. Challenging the above said conviction and sentence, the petitioner preferred the Criminal Appeal before the learned IV Additional District and Sessions Judge, Tirunelveli, in C.A.No.120 of 2019. However, the same was dismissed on 19.11.2020, 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



Crl.R.C.(MD).No.138 of 2021

present Criminal Revision Case.

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5. Pending the revision, the respondent reported to be died. Hence, the jurisdictional police officials were directed to obtain the legal heir particulars of the deceased respondent. The jurisdictional police officials collected the particulars of the legal heirs and there were suo motu impleaded in this case. Now the matter has been settled with the legal heirs of the deceased respondent. The learned counsel for the petitioner would submit that the petitioner has already deposited a sum of Rs.25,000/- before the trial Court and has no objection to withdraw the same and now he is ready to hand over Rs.75,000/-. The counsel for the respondent received the same.

7. 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.

8. Accordingly, the conviction and sentence imposed by the learned Judicial Magistrate No.I, Tirunelveli, in S.T.C.No.198 of 2016 dated 12.11.2019 and confirmed by the learned IV Additional District and Sessions Judge,



Crl.R.C.(MD).No.138 of 2021

Tirunelveli, in C.A.No.120 of 2019, dated 19.11.2020 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.

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, Tirunelveli,
Tirunelveli District.
- 2.The Judicial Magistrate No.I, Tirunelveli, Tirunelveli
District.
- 3.The Section Officer,
Criminal Record,
Madurai Bench of Madras High Court,
Madurai.



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Crl.R.C.(MD).No.138 of 2021

K.K.RAMAKRISHNAN, J.

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Crl.RC(MD)No.138 of 2021

26.08.2025