



Crl.RC(MD).No.1248 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.10.2025

CORAM:

THE HONOURABLE MR.JUSTICE SHAMIM AHMED

Crl.RC(MD).No.1248 of 2025

Crl.MP(MD)Nos.12153 and 12154 of 2025

1. Natarajan, S/o Paramasivam,
1/48C, High School Road, Villathikulam,
Kovilpatti Taluk, Thoothukudi District
2. Natarajan, Proprietor, Sakthi Murugan Transport,
9, Kesavankundru Road, Karisalkulam Village
Thoothukudi District

Revision Petitioners

Vs

Thennarasu, S/o. Senthamarai,
36, Valampuri Vinayagar Koil Street,
Sivagiri, Tirunelveli District

Respondent

Prayer:- This Criminal Revision Case has been filed, under Sections 438 and 442 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (businesses), to call for the records, relating to the Judgement of conviction and sentence and order, dated 22.11.2022, passed in CA.No.113 of 2018, by the Principal District and Sessions Court, at Srivilliputhur, Virudhunagar District, confirming the judgement of conviction and sentence and order, dated 29.08.2018, passed in CC.No.38 of 2016, by the Judicial Magistrate Court, Rajapalayam, Virudhunagar District and to set aside the same.

For Revision Petitioner : Mr.S.Muthumalai Raja



Crl.RC(MD).No.1248 of 2025

WEB COPY

For Respondent : Mr.D.Rajaboobathi

ORDER

1. This Criminal Revision Case is filed against the Judgement of conviction and sentence and order, dated 22.11.2022, passed in CA.No. 113 of 2018, by the Principal District and Sessions Court, at Srivilliputhur, Virudhunagar District, confirming the judgement of conviction and sentence and order, dated 29.08.2018, passed in CC.No. 38 of 2016, by the Judicial Magistrate Court, Rajapalayam, Virudhunagar District.
2. The facts of the case, in a nutshell, are that the 1st Revision Petitioner/accused is the owner of the 2nd Revision Petitioner Company. The Respondent herein is the complainant, who had filed CC.No.38 of 2016 before the Trial Court, against the Revision Petitioners, for the offence under Section 138 of the Negotiable Instruments Act, for recovery of a sum of Rs.8,25,000/- being the cheque amount, which was borrowed by the accused from the complainant on 04.06.2025.
3. After completion of trial, by the impugned judgement of conviction and sentence and order, the Trial Court had convicted and sentenced the accused for the offence under Section 138 of the Negotiable Instruments



Crl.RC(MD).No.1248 of 2025

WEB COPY

Act to undergo one year Simple Imprisonment, drawing a legal presumption under Section 139 of the Negotiable Instruments Act that the cheque in question was drawn to discharge the legally enforceable debt and that the lower appellate court had also, by its impugned judgement of conviction and sentence and order, dismissed the appeal filed as against the judgement of conviction and sentence and order of the Trial Court, by the accused, on the same lines. Hence, this Criminal Revision Case has been filed by the accused.

4. This Court heard Mr.S.Muthumalai Raja, the learned counsel for the Revision Petitioner and Mr.D.Rajaboobathi, the learned counsel for the Respondent and considered their submissions and also perused the entire materials placed on record.
5. According to the Revision Petitioners, the evidence of PW.1, complainant and DW.1 witness, are not in corroborative in nature and the Respondent has not proved the transaction between him and the Revision Petitioners and also the source to pay such huge amount. There is no proof that the Respondent had paid such huge amount to the accused. The cheque in question, which was given as security purpose to DW.1, was stolen and misused by the complainant. Both the courts below have committed errors in not appreciating the evidence in a



Crl.RC(MD).No.1248 of 2025

proper manner and hence, the findings of the courts below are unreasonable and perverse and consequently, the accused is entitled for acquittal, by allowing this Criminal Revision Case.

6. On the other hand, it is the case of the Respondent that once the accused admitted the signature in the cheque in question and the cheque in question was held to be drawn from his Bank Account, the impugned judgements of conviction and sentence and order of the courts below, drawing presumption under Section 139 of Negotiable Instruments Act in favour of the complainant and consequently, imposing impugned punishment, are justified and hence, no interference by this Court is required.

7. On perusal of the records, it is seen that the Respondent/ complainant was examined as PW.1. The accused was examined as DW.2 and DW.1 is known to both the accused and the complainant.

8. Both the courts below have found that in the cross examination, DW.2, has categorically admitted that the signature found in the cheque in question is his signature and that the cheque in question was drawn on his Bank Account and that the accused has not proved that the cheque in question was stolen and it was misused by the complainant, by letting in valid evidence, both oral and documentary. Consequently, both the



Crl.RC(MD).No.1248 of 2025

WEB COPY

courts below, in the absence of contra evidence on the side of the accused to show that the cheque in question was stolen and misused by the complainant and in the light of the concrete evidence that the signature found in the cheque in question is that of the accused and the cheque in question was drawn from the Bank Account of the accused, have rightly held that the cheque was drawn to discharge the legally enforceable debt as per Section 139 of the Negotiable Instruments Act and hence, the accused/ Revision Petitioner is found guilty of the offence under Section 138 of the Negotiable Instruments Act and accordingly, by the impugned judgement of conviction and sentence and order of the courts below, convicted and sentenced the accused for the offence under Section 138 of the Negotiable Instruments Act to undergo one year Simple Imprisonment.

9. Even before this Court, the learned counsel for the Revision Petitioners is not able to point out any single piece of evidence, both oral and documentary, in support of his contentions regarding stolen and misuse of the cheque in question. But, on the side of the complainant, this Court finds that there are ample evidence in support of the case of the Respondent/ complainant, as discussed by the courts below, namely, admission of the accused in his cross examination in respect of his



Crl.RC(MD).No.1248 of 2025

WEB COPY

signature found in the cheque in question and drawing the cheque in question from the Bank Account of the accused. Thus, this court, while concurring with the findings of the courts below, does not find any error or illegality or perversity in the findings and the impugned judgements of conviction and sentence and orders of both the courts below, which warrants interference by this Court and accordingly, this Criminal Revision Case, is liable to be dismissed.

10.In the result, this Criminal Revision Case is dismissed. There is no order as to costs. Consequently, the connected Criminal Miscellaneous Petitions are closed. The File is consigned to record.

22.10.2025

Index:Yes/No
Web:Yes/No
Speaking/Non Speaking
Neutral Citation
Srcm



Crl.RC(MD).No.1248 of 2025

WEB COPY

To

1. The Principal District and Sessions Court, at Srivilliputhur, Virudhunagar District
2. The Judicial Magistrate Court, Rajapalayam, Virudhunagar District
3. The Additional Public Prosecutor, Madurai Bench of the Madras High Court, Madurai



WEB COPY



Crl.RC(MD).No.1248 of 2025

SHAMIM AHMED, J.

Srcm

Crl.RC(MD).No.1248 of 2025

22.10.2025