



*Crl.R.C.(MD).No.779 of 2019*

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 26.08.2025

CORAM

**THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN**

Crl.RC(MD)No.779 of 2019  
and Crl.M.P.(MD).No.10983 of 2025

S.Ganesan

... Petitioner/Appellant/Accused

Vs.

R.Suresh

... 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.104 of 2018 on the file of the Additional District and Sessions Judge, Karur, dated 11.01.2019 confirming the order of conviction passed in C.C.No.266 of 2016, dated 13.07.2018 on the file of the learned Judicial Magistrate, Fast Track Court, Karur.

For Petitioner : Mr.S.Gokulraj

For Respondent : Mr.I.Velpradeep



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**ORDER**

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This civil revision case has been filed to set aside the order passed in C.A.No.104 of 2018 on the file of the Additional District and Sessions Judge, Karur, dated 11.01.2019 confirming the order of conviction passed in C.C.No. 266 of 2016, dated 13.07.2018 on the file of the learned Judicial Magistrate, Fast Track Court, Karur.

2.The case of the complainant is that the accused borrowed a sum of Rs.5,00,000/- from the complainant on 21.07.2014 and issued a cheque bearing Cheque No.235262 dated 10.07.2015 in discharge of the debt. The said cheque was presented by the complainant for collection in his bank namely Corporation Bank, Karur Branch on 13.07.2015 and the same was returned as “Account Closed” on 14.07.2015. Hence, he sent legal notice dated 25.07.2015. The same was received by the accused on 29.07.2015. On receipt of the legal notice, the accused neither repay the amount nor sent any reply. Hence, the respondent initiated the proceedings under Section 138 of Negotiable Instruments Act, on the file of the learned Judicial Magistrate, Fast Track Court, Karur, in C.C.No. 266 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 & PW2 were examined and Ex.P1 to Ex.P5 were marked. On the side of the accused DW1 to DW3 were examined and two documents were marked as Ex.R1 and Ex.R2.

4. The learned Judicial Magistrate, Fast Track Court, Karur, after full-fledged trial, has passed the Judgment in C.C.No.266 of 2016 dated 13.07.2018 and convicted the petitioner for the offence under Section 138 of the Negotiable Instrument Act and sentenced him to undergo six months simple imprisonment. Challenging the above said conviction and sentence, the petitioner preferred the Criminal Appeal before the learned Additional District and Sessions Judge, Karur, in C.A.No.104 of 2018. However, the same was dismissed on 11.01.2019, 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.

5. Today (ie., on 26.08.2025), when the matter is taken up for hearing, both the learned counsel on record would submit that they have already settled the



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matter and the petitioner has handed over a Demand Draft for Rs.2,50,000/-. The petitioner has already deposited a sum of Rs.2,50,000/- before the trial Court and now he agreed to withdraw the above said amount by the defacto complainant. To that effect the learned counsel for the petitioner filed the typed set of papers containing the memo issued by the respondent/complainant, which is extracted hereunder:

In Memo dated 26.08.2025, it has been stated as follows:

*“As per the directions of this Hon'ble Court, the petitioner had deposit sum of Rs.2,50,000/- on the credit of C.C.No. 266 of 2016 on the file of the Additional Sessions Judge, Karur, on 22.10.2019. Further, the petitioner is paying sum of Rs.2,50,000/- through D.D. Drawn at Canara Bank, Namakkal in D.D.No.586462, to the counsel for the respondent. Hence, the petitioner had paid entire cheque amount and said no objection for the respondent to withdraw the amount pending before the lower Court namely Additional Sessions Judge, Karur.*

*It is therefore prayed that this Hon'ble Court may be pleased to record this memo and pass suitable orders and thus render justice.”*

6.The contents of the above said memo was read over and explained to



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both the parties and they would admit the same. The memo filed by the both parties is recorded.

7.In view of the compromise entered 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, Fast Track Court, Karur, in C.C.No.266 of 2016 dated 13.07.2018 and confirmed by the learned Additional District and Sessions Judge, Karur, in C.A.No.104 of 2018, dated 11.01.2019 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. Since, the revision itself is disposed of, the Crl.M.P.(MD).No.10983 of 2025 filed by the petitioner seeking extension of time for complying the conditions, as per the order of this Court dated 22.07.2025 is closed as no further order is necessary in the above said miscellaneous petition.



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

- 1.The Additional District and Sessions Judge, Karur.
- 2.The Judicial Magistrate, Fast Track Court, Karur.
- 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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