



Crl.R.C.(MD).No.1009 of 2022

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.1009 of 2022
and Crl.M.P.(MD).No.12659 of 2022

G.Kalaiselvi

... Petitioner/Appellant/Accused

Vs.

Thiruvalluvan

... 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.80 of 2019 on the file of the II Additional District and Sessions Judge, Tiruchirappalli, dated 26.07.2022 confirming the order of conviction passed in C.C.No.176 of 2010, dated 01.03.2019 on the file of the learned Judicial Magistrate No.I, Tiruchirappalli.

For Petitioner : Mr.R.Sundar

For Respondent : Mr.C.Deepak

ORDER

This civil revision case has been filed to set aside the order passed in C.A.No.80 of 2019 on the file of the II Additional District and Sessions Judge, Tiruchirappalli, dated 26.07.2022 confirming the order of conviction passed in



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C.C.No.176 of 2010, dated 01.03.2019 on the file of the learned Judicial Magistrate No.I, Tiruchirappalli.

2.The case of the complainant is that the accused borrowed a sum of Rs.5,00,000/- from the complainant and promised that he will repay the same within a period of three months. But, he did not do so. Hence, the respondent demanded the same. At that time, the accused issued a cheque for the sum of Rs. 5,00,000/- dated 22.04.2010. The same was deposited by the defacto complainant on 23.04.2010. But, the same was returned on 24.04.2010 as 'insufficient funds'. Hence, the defacto complainant sent a legal notice to the accused on 27.04.2010. But, the petitioner has sent a reply notice to the respondent with bald allegations. Hence, the respondent initiated the proceedings under Section 138 of Negotiable Instruments Act, on the file of the learned Judicial Magistrate No.I, Tiruchirappalli, in C.C.No.176 of 2010.

3.Thereafter, on receipt of the summons, the petitioner appeared and contested the case. During trial, on the side of the complainant PW1 was examined and marked Ex.P1 to Ex.P10. On the side of the accused RW1 was examined and no documents were marked.



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4.The learned Judicial Magistrate No.I, Tiruchirappalli, after full-fledged trial, has passed the Judgment in C.C.No.176 of 2010 dated 01.03.2019 and convicted the petitioner for the offence under Section 138 of the Negotiable Instrument Act and sentenced him to undergo one year simple imprisonment and also ordered to pay the compensation of Rs.10,00,000/-, to the respondent. Challenging the above said conviction and sentence, the petitioner preferred the Criminal Appeal before the learned II Additional District and Sessions Judge, Tiruchirappalli, in C.A.No.80 of 2019. However, the same was dismissed on 26.07.2022, 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 (i.e., on 26.08.2025), when the matter is taken up for hearing, the counsel for the petitioner on instructions would submit that the petitioner reported to be dead.



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6.In view of the same, this criminal revision case is dismissed as abated with liberty to the defacto complainant/respondent to recover the above said compensation amount as per the procedure set out in the Criminal Procedure Code. Consequently, connected miscellaneous petition is closed.

26.08.2025

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
TM

To

1.The II Additional District and Sessions Judge,
Tiruchirappalli, Tiruchirappalli District.

2.The Judicial Magistrate No.I, Tiruchirappalli,
Tiruchirappalli District.

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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