



Crl.R.C.(MD).No.924 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.08.2025

CORAM :

THE HONOURABLE MR.JUSTICE K.K. RAMAKRISHNAN

Crl.R.C(MD).No.924 of 2021

and

Crl.MP(MD)SRNo.30498 of 2022

Crl.R.C(MD).No.924 of 2021

Vijayarun

... Petitioner/Appellant/Accused

Vs.

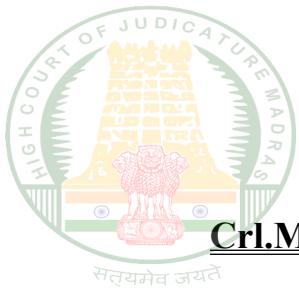
S.Rengarajan

... Respondent/Respondent/
Complainant

PRAYER: Criminal Revision Case has been filed under Section 397 r/w. 401 Cr.P.C., to call for the records of the Courts below and set aside the judgment and conviction dated 25.10.2021 made in Crl.A.No.137 of 2019 on the file of the learned 3rd Additional District Judge, Thanjavur @ Pattukkottai by which confirming the judgment and conviction order in S.T.C.No.66 of 2019 on the file of the learned Judicial Magistrate/Fast Track Court (Magisterial Level), Pattukottai, Thanjavur District, dated 30.09.2019, and acquit the petitioner/accused.

For Petitioner : Mr.S.Deenadhayalan

For Respondent : Mr.T.Lenin Kumar



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S.Rengarajan

: Petitioner/Respondent/
Respondent

Vs

Vijayarun

: Respondent/Petitioner/
Petitioner

PRAYER: Civil Miscellaneous Appeal filed under Section 148(3) of Negotiable Instruments (Amendment) Act, 2018 r/w Section 482 of Cr.P.C., to permit the petitioner to withdraw the entire amount deposited by the respondent into the credit of S.T.C.No.66 of 2019 before the Judicial Magistrate (Fast Track Court at Magisterial Level), Pattukottai, Thanjavur District, in Crl.M.P.(MD)No.11036 of 2021 in Crl.R.C. (MD)No.924 of 2021 dated 13.12.2021.

For Petitioner/
Appellant

: Mr.T.Lenin Kumar

For Respondent

: Mr.S.Deenadhayalan

ORDER

This Criminal Revision Case has been filed to set aside the impugned judgment and decree passed by the learned 3rd Additional District Judge, Thanjavur @ Pattukkottai in Crl.A.No.137 of 2019, dated 25.10.2021, confirming the conviction and sentence passed by the the learned Judicial Magistrate/Fast Track Court (Magisterial Level), Pattukottai, Thanjavur District, in S.T.C.No.66 of 2019 dated 30.09.2019.

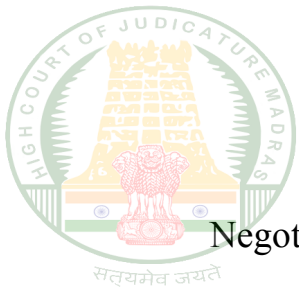


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2. The petitioner borrowed a sum of Rs.16,00,000/- from the respondent on 09.12.2018. To discharge the said debt, the petitioner issued a cheque bearing No.634578 on 04.05.2019, drawn on the bank of State Bank of India, Krishnajiipattinam Branch, Pudukkottai District. The respondent presented the above said cheque for collection before the Central Bank of India, Peravurani Branch, on the same day itself and the same was returned with an endorsement “Funds Insufficient” on 07.05.2019. Hence, the respondent issued a legal notice on 21.05.2019. The petitioner received the said notice on 28.05.2019 and also sent a reply on 06.06.2019 with false allegation. Thereby, the respondent filed a complaint under Section 138 of the Negotiable Instruments Act, before the learned Judicial Magistrate/Fast Track Court (Magisterial Level), Pattukottai, Thanjavur District. The learned Judicial Magistrate took the complaint on file in S.T.C.No.66 of 2019.

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 & D.W.1 to D.W.3 and perusing the documents Ex.P1 to Ex.P7 & Ex.D1 to Ex.D3, passed the conviction under Section 138 of



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Negotiable Instruments Act to undergo 6 months Simple Imprisonment and directed to pay the cheque amount of Rs.16,00,000/- as compensation in default to undergo 1 month Simple Imprisonment by the Judgment, dated 30.09.2019.

4. Aggrieved over the same, the petitioner filed the Criminal Appeal in C.A.No.137 of 2019 on the file of the learned 3rd Additional District Judge, Thanjavur @ Pattukkottai. The learned Appellate Judge also confirmed the same. Hence, the petitioner preferred this revision before this Court.

5. This Court considered the rival submissions and also perused the records and the impugned order.

6. When the matter came up for hearing, the learned counsel for the petitioner/accused submitted that the petitioner/accused had already served the sentence of imprisonment and also the default sentence for payment of compensation and hence, he seeks to close the Revision.



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7. In view of the sentence already undergone by the petitioner/accused, there is no necessity to pass an order relating to the conviction and sentence. The compensation is concerned, the respondent/defacto complainant is at liberty to initiate an appropriate proceedings as per the procedure stated in the Hon'ble Supreme Court judgment in the case of ***Kumaran Vs. State of Kerala & Another*** reported in ***CDJ 2017 SC 553***. As per the procedure stated under Section 421 of Cr.P.C., the Hon'ble Supreme Court has specifically held that serving the sentence for default of fine is different from the payment of the compensation. Therefore, it is always open to the respondent/defacto complainant to proceed further as per Section 421 of Cr.P.C., to recover the compensation.

8. With that liberty, this Criminal Revision Case is closed. Consequently, the Civil Miscellaneous Appeal is rejected at SR stage itself.

21.08.2025

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

dss

To

1. The 3rd Additional District Judge,
Thanjavur @ Pattukkottai.
2. The Judicial Magistrate/Fast Track Court (Magisterial Level),
Pattukottai, Thanjavur District.
3. The Section Officer,
Record Section (Crl.)
Madurai Bench of Madras High Court, Madurai.

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