



Crl.RC(MD)No.109 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.10.2025

CORAM

THE HONOURABLE MR.JUSTICE SHAMIM AHMED

Crl.RC.(MD)No.109 of 2023

and

Crl.MP(MD)Nos.1591, 8144. 9878 and 9879 of 2023

K.Rajapandian,
S/o. Karuppathevar,
No.36/15, Ponmeni Pudur 2nd Ward,
Arasaradi, Madurai 625 010.
Now Residing at No.4/1, 1st street,
72nd Ward, Ponnagar, H.M.S.Colony,
Madurai 625 016.

... Petitioner

vs.

J.Nagalakshmi,
D/o. Kondanan,
No.22/10, Ponmeni Pudur 1st Street,
Arasaradi, Madurai 625 010.

... Respondent

PRAYER: Criminal Revision Petition is filed under Section 438 r/w 442 of BNSS, 2023, to call for the records pertaining to the judgment in Crl.A.No.28 of 2021 dated 28.07.2022 on the file of Learned 5th Additional District and Sessions Judge, Madurai, by confirming the



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judgment passed in S.T.C.No.521 of 2017 dated 29.01.2021 on the file of the Learned Judicial Magistrate No.II, Fast Track Magistrate level, Madurai and to set aside the same.

For Petitioner :Mr.A.P.Muthu Pandian
For Respondent :Mr.S.Balasubramanian

ORDER

This Criminal Revision Petitioner has been filed to set aside the judgment passed by the Learned 5th Additional District and Sessions Judge, Madurai in Crl.A.No.28 of 2021 dated 28.07.2022, confirming the judgment passed by the Learned Judicial Magistrate No.II, Fast Track Magistrate level, Madurai. in S.T.C.No.521 of 2017 dated 29.01.2021.

2. Heard Mr.A.P.Muthu Pandian, learned counsel for the Petitioner and Mr.S.Balasubramanian, learned Counsel for the Respondent.

3. The facts of the case in a nutshell, led to filing of this Criminal Revision Petition and necessary for disposal of the same, are as follows:-



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a) The Petitioner was convicted and sentenced for the offence under Section 138 of the Negotiable Instruments Act, by the learned Judicial Magistrate No.II, Fast Track Magistrate level, Madurai, in S.T.C.No.521 of 2017 by the judgment dated 29.01.2021, to undergo simple imprisonment for eight months and to pay a compensation of Rs.8,00,000/-, being the cheque amount to the Respondent, within three months, to undergo further period of simple imprisonment for two months. Aggrieved by the order of the Trial Court, the Petitioner filed a Criminal Appeal in Crl.A.No.28 of 2021 before the Learned 5th Additional District and Sessions Judge, Madurai.

b) The learned 5th Additional District and Sessions Judge, Madurai confirming the judgment passed by the Judicial Magistrate No.II, Fast Track Magistrate level, Madurai, in S.T.C.No.521 of 2017, dated 29.01.2021, dismissed the said Appeal vide order dated 28.07.2022. Aggrieved by the same, the present Criminal Revision Petition has been filed.



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4. When the matter was taken up on 24.09.2025, this Court passed the following order:

“2.The Co-ordinate Bench of this Court, in Crl.M.P(MDNo.15090 of 2023 in Crl.R.C(MD)No.109 of 2023, dated 31.01.2023, had granted suspension of sentence and passed the following order:

“This petition is filed to suspend the sentence imposed by the Court of the learned V Additional District and Sessions Judge, Madurai, in C.A.No.28 of 2021, dated 28.07.2022, in confirming the conviction and sentence imposed by the learned Judicial Magistrate No.II, Madurai, in S.T.C.No.521 of 2017 dated 29.01.2021, pending disposal of the Criminal Revision.

2.The learned counsel appearing for the petitioner submitted that the petitioner has been convicted by the trial Court for the alleged offence under Section 255(ii) of Cr.P.C, sentenced to undergo eight months SI and to pay compensation amount of Rs.8,00,000- to the complainant within three months, in default pay the compensation two months S.I. The appellate Court has confirmed the judgment of trial Court.

3.The learned counsel appearing for the petitioner submitted that the revision case is preferred on the ground that the transaction is admitted by the petitioner. The learned counsel for the petitioner would submit that out of the cheque amounts, Rs.2,50,000/- is paid and the



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petitioner is ready to pay the remaining amount.

4. Based on the undertaking given by the petitioner, the suspension of sentence petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the revision and the petitioner is directed to be enlarged on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Madurai, and on further condition that the petitioner shall appear before the concerned Court once in a week i.e., on the first working day of every week at 10.30 a.m. pending revision.”

3. Today, when the matter is being taken up, Mr.A.P.Muthu Pandian, learned Counsel for the petitioner submits that out of the total cheque amount of Rs.8,00,000/-, the petitioner has already deposited a sum of Rs.2,50,000/- before the trial Court and the petitioner is ready to pay the entire balance amount of Rs.5,50,000/- by way of demand draft in favour of the respondent on or before the next date fixed. He further submits that the petitioner is ready to compromise the matter with the respondent and after full settlement is made by the petitioner, this Court by exercising power under Section 147 of the Negotiable Instruments Act, 1881, may compound the offence.



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4.Mr.S.Balasubramanian, learned Counsel for the respondent submits that the petitioner has already deposited a sum of Rs.2,50,000/- before the trial Court and he has no objection, if the petitioner pays the remaining amount of Rs.5,50,000/- due to the respondent by way of demand draft on or before the next date fixed. He further submits that if the petitioner pays the remaining amount of Rs.5,50,000/- within the time stipulated by this Court, he has no objection to compromise the matter with the petitioner and this Court by exercising power under Section 147 of the Negotiable Instruments Act,1881, may compound the offence.

5.Accordingly, after considering the arguments as advanced by the learned Counsel for the petitioner that the petitioner is ready to settle the remaining amount of Rs.5,50,000/- to the respondent and to settle the matter with the respondent, this Court grants three weeks and no more time to the petitioner to pay the aforesaid amount ie., Rs.5,50,000/-, to the respondent by way of Demand Draft, without fail. The learned Counsel for the petitioner as well as the respondent are directed to file a joint memo of compromise in this



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regard on or before the next date fixed.

6.Put up this case “for orders” on 23.10.2025 before the appropriate Bench. On that date, the petitioner as well as the respondent are directed to appear before this Court in person.”

5. When the matter is taken up today, the Respondent viz., J.Nagalakshmi, is present along with her counsel, while the Petitioner, viz., K.Rajapandian, is absent despite the Court's order dated 24.09.2025.

6. Mr.A.P.Muthupandian, learned Counsel for the Revision Petitioner submits that the due to some financial constraints, the Revision Petitioner is unable to comply the order passed by this Court dated 24.09.2025, in which the Revision Petitioner was directed to pay Rs.5,50,000/-, to the Respondent by way of Demand Draft and to file a joint memo of compromise and also to appear before this Court today.

7. Mr.S.Balasubramanian, learned Counsel for the Respondent submits that the Revision Petitioner has not shown his bonafide for



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depositing the amount directed by the Court vide order dated 24.09.2025.

He further argues that once the accused admitted the amount borrowed from the Respondent and also admitted the issuance of cheque by him which was drawn by the Respondent from his bank account, the presumption under Section 139 of the Negotiable Instruments Act applies in favour of the complainant. Therefore, the judgments of conviction and sentence, as well as the orders of the lower courts, are justified, and no interference by this Court is warranted.

8. I have considered the submissions of the learned counsel for the parties and also perused the records.

9. Today, the Revision Petitioner has not appeared before the Court, and no demand draft has been produced, nor any joint memo has been filed. It appears that the Revision Petitioner is not inclined to comply with the Court's direction to pay the aforementioned amount, demonstrating a clear disregard for the Court's authority, an



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unwillingness to take responsibility for their actions, and an attempt to prolong the litigation process, thereby wasting valuable court time and resources, which further strengthens the case against him which warrants dismissal of the revision petition.

10. Both the courts below have found that during cross-examination, the accused categorically admitted the issuance of the cheques and that the cheque in question was drawn on his bank account. The accused failed to provide valid evidence, both oral and documentary, to prove that the cheque was misused by the complainant. Based on the concrete evidence that the cheque was issued by the accused and drawn from his bank account, and in the absence of contra evidence from the accused, both courts below held that the cheque was issued to discharge a legally enforceable debt, as per Section 139 of the Negotiable Instruments Act. Consequently, the accused/Revision Petitioner was found guilty of the offence under Section 138 of the Negotiable Instruments Act by the Trial Court. The Revision Petitioner failed to



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rebut the presumption against him. The Appellate Court also confirmed the findings of the Trial Court. The courts below have rightly convicted and sentenced the accused to undergo simple imprisonment for 8 months and to pay a sum of Rs.8,00,000/-, being the cheque amount to the Respondent, within three months, in default of payment of the said amount, to undergo further period of simple imprisonment for two months.

11. Concurring with the findings of the Court below, this Court does not find any error, illegality, or perversity in the judgments of conviction and sentence of the courts below. Therefore, this Criminal Revision Case is liable to be dismissed.

12. In the result, this Criminal Revision Case is **dismissed**. There is no order as to costs. Interim Orders, if any, stand vacated. Consequently, Criminal Miscellaneous Petitions, if any, stand closed. The File is consigned to record.



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13. Let a copy of this order be sent by the Registry to the learned Judicial Magistrate No.II, Fast Track Magistrate level, Madurai, within two weeks from today, for necessary compliance and information, to be kept in the file of the Trial Court record.

23.10.2025

Index :Yes / No
Internet :Yes / No
NCC :Yes / No
Nsr

To:

- 1.The 5th Additional District and Sessions Judge,
Madurai.
- 2.The Judicial Magistrate No.II,
Fast Track Magistrate level, Madurai.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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SHAMIM AHMED, J.

Nsr

Order made in
Crl.RC.(MD)No.109 of 2023

Dated: 23.10.2025