



Crl.R.C.(MD).No.1131 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 26.08.2025

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THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

Crl.RC(MD)No.1131 of 2022
and Crl.M.P.(MD).No.14253 of 2022

Pastor Yesu Dhasan

... Petitioner/Appellant/Accused

Vs.

Swamidhas

... 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.99 of 2010 on the file of the Additional District and Sessions Judge, Padmanabhapuram, dated 03.11.2022 confirming the order of conviction passed in S.T.C.No.1298 of 2007, dated 27.05.2010 on the file of the learned Judicial Magistrate, Padmanabhapuram.

For Petitioner : Mr.G.Mayilvahana Rajendran

For Respondent : Mr.G.Sridharan



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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.99 of 2010 on the file of the Additional District and Sessions Judge, Padmanabhapuram, dated 03.11.2022 confirming the order of conviction passed in S.T.C.No.1298 of 2007, dated 27.05.2010 on the file of the learned Judicial Magistrate, Padmanabhapuram.

2.The case of the complainant is that the accused borrowed a sum of Rs.1,00,000/- from the complainant on 01.09.2006 and issued a cheque bearing Cheque No.1380372 dated 25.10.2006, Union Bank of India, Marthandam Branch, in discharge of the debt. Again the accused borrowed a sum of Rs. 1,00,000/- on 15.09.2006 and issued posted dated cheque No.138038 dated 25.10.2006 for Rs.1,00,000/- drawn on the Union Bank of India, Marthandam. The accused again the accused borrowed a sum of Rs.1,00,000/- on 25.09.2006 and issued posted dated cheque No.138039 dated 25.10.2006 for Rs.1,00,000/- drawn on the Union Bank of India, Marthandam. The said three cheques were presented by the complainant for collection in his bank namely Indian Overseas Bank, Swamiyarmadram Branch on 09.02.2007 and the same were dishonored and returned by Bank as 'Funds Insufficient' on 10.02.2007. Hence, he sent legal



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notice dated 19.02.2007. The same was received by the accused on 26.02.2007.

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, Padmanabhapuram, in S.T.C.No.1298 of 2007.

3. Thereafter, on receipt of the summons, the petitioner appeared and contested the case. During trial, on the side of the complainant he himself was examined as PW1 and marked Ex.P1 to Ex.P10. On the side of the accused none was examined and no document was marked.

4. The learned Judicial Magistrate, Padmanabhapuram, after full-fledged trial, has passed the Judgment in S.T.C.No.1298 of 2007 dated 27.05.2010 and convicted the petitioner for the offence under Section 138 of the Negotiable Instrument Act and sentenced him to undergo three months simple imprisonment and to pay fine of Rs.5,000/-, in default to undergo one month simple imprisonment. Challenging the above said conviction and sentence, the petitioner preferred the Criminal Appeal before the learned Additional District and Sessions Judge, Padmanabhapuram, in C.A.No.99 of 2010. However, the



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same was dismissed on 03.11.2022, 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 (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 matter and the petitioner has handed over the Demand Draft for total cheque amount of Rs.3,00,000/- to the counsel for the respondent. The counsel for the respondent also received the same. The copy of the Demand Draft has also been produced before this Court.

7.In view of the compromise entered between the parties and the receipt of the demand draft for the total cheque amount, 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, Padmanabhapuram, in S.T.C.No.1298 of 2007 dated



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27.05.2010 and confirmed by the learned Additional District and Sessions Judge, Padmanabhapuram, in C.A.No.99 of 2010, dated 03.11.2022 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. Consequently, connected miscellaneous petition is closed.

26.08.2025

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

- 1.The Additional District and Sessions Judge,
Padmanabhapuram, Kanniyakumari District.
- 2.The Judicial Magistrate, Padmanabhapuram,
Kanniyakumari 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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