

Crl.R.C.(MD).No.22 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 14.08.2025

CORAM

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

Crl.RC(MD)No.22 of 2020

S.Ayyappan ... Petitioner/Appellant/Accused

Vs.

V.Muthuraman ... Respondent/Respondent/Complainant

PRAYER: Criminal Revision Petition has been filed under Section 397 r/w 401 of Cr.P.C., to set aside the Judgment passed in C.A.No.10 of 2018 on the file of the V Additional District and Sessions Judge, Madurai, dated 30.08.2019 confirming the Judgment of conviction passed in S.T.C.No.493 of 2016, dated 23.11.2017 on the file of the learned Judicial Magistrate (Fast Track Court No.I at Magisterial Level), Madurai.

For Petitioner : Mr.S.Premkumar

For Respondent : Mr.V.M.Jegadheesh Pandian

ORDER

This civil revision case has been filed to set aside the Judgment passed in C.A.No.10 of 2018 on the file of the V Additional District and Sessions Judge, Madurai, dated 30.08.2019 confirming the Judgment of conviction passed in



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S.T.C.No.493 of 2016, dated 23.11.2017 on the file of the learned Judicial Magistrate (Fast Track Court No.I at Magisterial Level), Madurai.

2.The case of the complainant is that the accused and the complainant are close friends. On the basis of the friendship, the accused approached the complainant for a loan and borrowed a sum of Rs.2,00,000/- (Rupees Two Lakhs only) from the complainant for the purpose of urgent family expenses in the first week of November, 2012 and promised to repay the said loan amount within a month from the date of borrowal. So after one month, on 12.12.2012 when the complainant contacted the accused and demanded repayment of the loan amount, the accused had issued a cheque for a sum of Rs.2,00,000/- vide cheque bearing No.985054 dated 12.12.2012 drawn on ICICI Bank Ltd., Thirupparankundram Branch, Madurai, drawn in favour of the complainant. He presented the same for collection through his Bank namely Tamil Nadu Merchantile Bank Ltd., Simmakal Branch, Madurai, on 13.12.2012. On 14.12.2012, it was returned as “Funds Insufficient”. When the complainant tried to inform the same to the accused through phone call, he avoided the phone calls. Hence, he sent legal notice on 21.12.2012 to the accused. Despite receipt of notice, the accused neither sent any reply nor repaid any amount towards either principal amount or



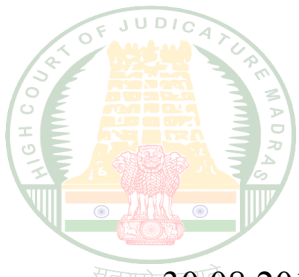
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interest. Hence, the respondent filed a complaint under Section 138 of Negotiable Instruments Act, and the same was taken on file in S.T.C.No.493 of 2016, on the file of the learned Judicial Magistrate (Fast Track Court No.I at Magisterial Level), Madurai.

3. Thereafter, on receipt of the summons, the petitioner appeared and contested the case. During trial, the complainant was examined as PW1 and exhibited four documents as Ex.P1 to P4. On the side of the accused no witness was examined.

4. The learned Judicial Magistrate, FTC No.I, Madurai, after full-fledged trial, has passed the Judgment in S.T.C.No.493 of 2016 dated 23.11.2017 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 to pay compensation of Rs.2,00,000/- (Rupees Two Lakhs only) to the complainant in default to undergo two months of simple imprisonment. Challenging the above said conviction and sentence, the petitioner preferred the Criminal Appeal before the learned V Additional District and Sessions Judge, Madurai, in C.A.No.10 of 2018. However, the same was dismissed on



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30.08.2019, thereby confirming the conviction and sentence imposed on the
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petitioner. Aggrieved over the above said conviction and sentence imposed by the Courts below, the petitioner has preferred the present Criminal Revision Case.

5.During the pendency of the revision, the parties agreed to settle the matter and as per the agreement, the petitioner/accused deposited a sum of Rs. 1,60,000/- before the trial Court to the credit of STC.No.493 of 2016 and he agreed to pay the remaining amount. The counsel for the respondent/complainant also confirmed the same. The petitioner has no objection to withdraw the above said amount by the respondent.

6.Recording the above said submissions made on both sides, the offence under section 138 of the Negotiable Instruments Act stands compounded under Section 147 of the Negotiable Instruments Act.

7.Accordingly, the conviction and sentence imposed by the learned Judicial Magistrate, FTC No.I, Madurai, in S.T.C.No.493 of 2016 dated 23.11.2017 and confirmed by the learned V Additional District and Sessions



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Judge, Madurai, in C.A.No.10 of 2018, dated 30.08.2019 is hereby set aside and the Criminal Revision case is allowed. The accused is acquitted from the charges levelled against him. The respondent/complainant is permitted to withdraw the amount deposited by the petitioner/accused before the trial Court as per the procedure. Bail bond if any, executed by the accused shall stand discharged.

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

- 1.The V Additional District and Sessions Judge, Madurai.
- 2.The Judicial Magistrate (Fast Track Court No.I at Magisterial Level), Madurai.
- 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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