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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-11-2026

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THE HONOURABLE MR.JUSTICE SHAMIM AHMED

CRL RC No. 77 of 2026

Case QR

CNR:{HCMA010011312026}

D.Sathyanarayanan

Petitioner(s)

Vs

V.Raja

Respondent(s)

PRAYER: Criminal Revision Case filed under Section 438 r/w Section 432 of BNSS, to set aside the judgement passed by the IIIrd Additional City Civil Judge, Chennai (FAC) II Additional City Civil Court, Chennai in Criminal Appeal No.244 of 2024 dated 17.12.2025, thereby the learned Appellate judge passed judgement by confirming the judgement of Learned Metropolitan Magistrate, Fast Track-II, Egmore @ Allikulam, Chennai-3 dated 13.03.2024 in C.C.No.7968 of 2018 therby 6 months of SI for the petitioner.

For Petitioner(s): Ms.Pooja
for Mr. S.Selvaraj

For Respondent(s): Mr. G.Saravanan

ORDER

This Criminal Revision Case has been filed to set aside the judgement passed by the learned III Additional City Civil Judge, Chennai (FAC) II Additional City Civil Court, Chennai in Criminal Appeal No.244 of 2024 dated

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Order QR

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17.12.2025, confirming the judgement of Learned Metropolitan Magistrate, Fast Track-II, Egmore @ Allikulam, Chennai-3, dated 13.03.2024 in C.C.No.7968 of 2018, whereby the petitioner was sentenced to undergo 6 months of SI.

2. The brief facts leading to the filing of this revision petition are that the accused borrowed a sum of Rs.4,50,000/- on various dates, and in the month of May 2018, the complainant demanded repayment of the said amount. On 27.05.2018, the accused had issued a post dated cheque for Rs.4,50,000/- drawn on Indian Bank, Perambur Branch, Chennai. When the said cheque was presented for encashment on 11.06.2018 with Indian Bank, the same was returned dishonoured with the endorsement that “Funds Insufficient”. Therefore, the respondent/complainant initiated proceedings against the petitioner under Section 138 of the Negotiable Instruments Act. After a thorough consideration of the oral and documentary evidence on record, the learned Trial Court, vide judgment dated 13.03.2024 in C.C.No.7968 of 2018, convicted the petitioner for the offence under Section 138 of the NI Act and sentenced him to undergo six months simple imprisonment, and directed him to pay a compensation sum of Rs. 4,50,000/- (Rupees Four Lakhs Fifty Thousand Only), in default, to undergo two months simple imprisonment. Aggrieved by the said conviction and sentence, the petitioner preferred an appeal before the Learned III Additional City Civil Judge, Chennai (FAC) II Additional City Civil Court, Chennai in

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C.A.No.244 of 2024. The said appeal was dismissed vide order dated 17.12.2025, confirming the judgment passed by the learned Metropolitan Magistrate, Fast Tractk Court-II, Egmore @ Allikulam, Chennai. Challenging the same, the present Criminal Revision Case has been filed.

3. It is seen from the Court records that a Coordinate Bench of this Court while considering Crl.M.P.No.489 of 2026, seeking suspension of sentence, vide order dated 20.01.2026, passed the following directions:

> *"5. Having regard to the submission made by the learned counsel for the petitioner that there are substantial grounds raised in the above revision which require consideration, and the fact that the petitioner is willing to deposit 40% of the cheque amount, this Court is inclined to suspend the sentence imposed on the petitioner, subject to the following conditions:*
>
> > *(i) The petitioner/Accused shall deposit 40% of the cheque amount to the credit of C.C.No.7968 of 2018 on the file of learned Metropolitan Magistrate, Fast Track Court-II, Egmore @ Allikulam, Chennai 3, within a period of four weeks from the date of receipt of a copy of this order;*
> >
> > *(ii) On such deposit being made, the Trial Court shall redeposit the said amount in a Fixed Deposit Account, in any one of the Nationalized Banks, renewable thereafter periodically. The disbursal of this amount shall be decided at the culmination of the Criminal Revision Case;*
> >
> > *(iii) Thereafter, the sentence of imprisonment alone imposed on the petitioner/Accused shall be suspended, on him executing a bond for a sum of Rs.10,000/- with two sureties each for a likesum to the satisfaction of the learned*

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Metropolitan Magistrate, Fast Track Court II, Egmore @ Allikulam;

(iv) The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Trial Court may obtain a copy of their Aadhar card or Bank pass Book and mobile numbers to ensure their identity;

(v) The petitioner shall appear before the Trial Court on the first working day of every month at 10.30 a.m. until the disposal of the revision and if she is not able to appear before the Trial Court on any day, she shall make arrangements to file an application under Section 317 Cr.P.C., and shall appear before the Trial Court on any other day in lieu of the date of his absence, as directed by the Trial Court; and

(vi) On the failure of the petitioner/Accused, depositing the said amount, it is open to the Trial Court to commit the petitioner/accused into custody for undergoing the sentence.

6. Accordingly, this Criminal Miscellaneous Petition is ordered."

4. By the said order, the petitioner was directed to deposit 40% of the cheque amount to the credit of C.C.No.7968 of 2018 on the file of the learned Metropolitan Magistrate, Fast Track Court-II, Egmore @ Allikulam, Chennai 3.

5. The learned counsel for the petitioner submitted that the total cheque amount is Rs.4,50,000/- and that 20% of the amount has already been deposited before the learned trial Court. The petitioner subsequently moved Criminal Miscellaneous Petition in Crl.M.P.No.5797 of 2026, seeking an extension of time to deposit 40% of the cheque amount, which was dismissed by this Court

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on 07.04.2026.

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6. The learned counsel for the respondent submitted that the petitioner has not made compliance of the direction of the Court order dated 20.01.2026, and after the dismissal of the extension petition, the order has not been complied with.

7. The learned counsel for the petitioner submitted that the information has been given to the petitioner about the order of this Court dated 20.01.2026, however, the petitioner has refused to comply with the same. Accordingly, the learned counsel submitted that he would argue the case on its merits.

8. Heard the learned counsel on either side and perused the materials available on record.

9. The learned counsel for the petitioner contended that the Courts below failed to consider that the respondent/complainant had not established his financial capacity and source of funds to advance the alleged loan amount of Rs.4,50,000/-, and pointed out material contradictions in his evidence, thereby rendering the alleged transaction doubtful. The petitioner argued that he successfully rebutted the statutory presumption through the cross-examination

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of PW1, relying on the settled legal position in ***Rangappa Vs. Sri Mohan*** reported in ***(2010) 11 SCC 441***. However, the learned Appellate Court, after reassessing the entire evidence and hearing both sides, dismissed the appeal vide judgment dated 17.12.2025, thereby confirming the judgment passed by the Trial Court.

10. This Court has carefully considered the grounds raised by the petitioner and perused the judgments passed by both the courts below. A concurrent finding of fact has been arrived at by both the Trial Court and the Appellate Court. The Courts below have explicitly noted that the respondent/complainant successfully proved the execution of the cheque and the subsistence of a legally enforceable debt, whereas the petitioner failed to robustly rebut the statutory presumptions available under Sections 118 and 139 of the NI Act.

11. Furthermore, on a specific request made by the learned counsel for the petitioner, this Court had passed a conditional order on 20.01.2026 directing the deposit of 40% of the cheque amount before the Trial Court. The failure to comply with this order, coupled with the submission made today that the petitioner is unable to pay, clearly demonstrates that the petitioner is neither ready to clear any part of the liability nor respect the orders of the Court. It is

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well-settled that a criminal revision is not a second appeal. In the absence of any patent illegality, perversity, or jurisdictional infirmity in the concurrent findings of the courts below, this Court cannot re-appreciate the entire evidence. Consequently, this Criminal Revision Case lacks merit and is liable to be dismissed.

12. Accordingly, this Criminal Revision Case is **dismissed**. The judgments passed by the Learned Metropolitan Magistrate, Fast Track Court-II, Egmore, Allikulam @ Chennai 3 in C.C.No.7968 of 2018, as confirmed by the learned III Additional City Civil Judge, Chennai (FAC) II Additional City Civil Court, Chennai in C.A.No.244 of 2024 stands confirmed. There shall be no order as to costs. The courts below are directed to take immediate and appropriate steps in accordance with law to secure the presence of the petitioner/accused to undergo the remaining period of sentence and to recover the compensation amount.

13. Let a copy of this order be sent by the registry of this Court to the Court concerned for its necessary compliance and information.

12-11-2026

Jd

Neutral Citation:Yes/No

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To

1. The Learned Metropolitan Magistrate,

Fast Track Court-II, Egmore, Allikulam, Chennai 3.

2. III Additional City Civil Judge, Chennai (FAC)

II Additional City Civil Court, Chennai.

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SHAMIM AHMED J.

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