



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-03-2026

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THE HONOURABLE MR JUSTICE G.K. ILANTHIRAIYAN

CRL RC No.269 of 2021

R.Bharani
Proprietor,
M/s.Mother Industries,
S/o. Raju,
No.19/8, Thulasingham Street,
Arcot-632 503. Vellore District. Residing at No.33-
A, Neelakanda Mehla Street,
T.Nagar, Chennai 600 018.

Petitioner(s)

Vs

M.Mohammed Siraj
Proprietor,
M/s. M.Md Siraj,
Office at D.No.15, Puthu Veethi,
Near Old Head Post Office,
Erode District 638 001.

Respondent(s)

PRAYER: Criminal Revision Case filed under Section 397 and 401 of Cr.P.C., to set aside the conviction dated 12.10.2020 made in C.A.No.205 of 2019 on the file of the II Additional District and Sessions Court, Erode District at Erode, confirming the conviction imposed in judgement dated 22.08.2019 made in S.T.C.No.126 of 2018 on the file of the learned Judicial Magistrate (FTC), No.I, Erode.

For Petitioner(s): Mr.M.Guruprasad

For Respondent(s): Ms.P.Rajathi
for Mr.D.Raghu



ORDER

This Criminal Revision Case has been filed against the order dated 12.10.2020 passed in C.A.No.205 of 2019 on the file of the II Additional District and Sessions Court, Erode District, Erode, confirming the conviction imposed by judgement dated 22.08.2019 made in S.T.C.No.126 of 2018 on the file of the learned Judicial Magistrate (FTC), No.I, Erode.

2. The petitioner is the accused in a complaint lodged by the respondent herein for the alleged offence under Section 138 of Negotiable Instruments Act, 1988 (in short, NI Act). The respondent is carrying on leather business in the name and style of M/s.M.Md.Siraj, Erode. The petitioner is also engaged in leather business under the name and style of M/s.Mother Industries at Arcot, Vellore District. The petitioner used to purchase wet blue cow hides on credit basis from the respondent. He purchased the goods under invoice No.50 dated 10.11.2014 for a sum of Rs.10,04,684/- and invoice No.61 dated 22.12.2014 for a sum of Rs.3,69,650/-. In the course of business, there is a closing balance of Rs.7,00,000/- due payable by the petitioner. The complainant requested the accused to settle the said amount. Thereafter, the petitioner/accused issued a post-dated cheque dated 30.01.2018 for a sum of Rs.7,00,000/- bearing cheque No.511945 drawn on Punjab National Bank, Anna Salai, Arcot Branch. The respondent presented the cheque for collection on 14.02.2018 and the same was

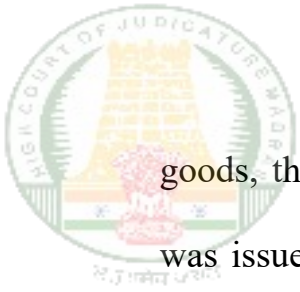


returned dishonoured with an endorsement “Funds Insufficient” on 15.02.2018.

Therefore, the respondent initiated Section 138 of NI Act in S.T.C.No.126 of 2018.

2.1. In order to prove the case, the respondent examined himself as P.W.1 and marked Exs.P1 to P11. On the side of the petitioner, no oral and documentary evidence was adduced. Upon perusal of the documents and appreciation of the evidence, the trial Court convicted the petitioner under Section 138 of NI Act and sentenced him to undergo simple imprisonment for a period of three months and to pay compensation amount of Rs.7,00,000/- in default to undergo simple imprisonment for one month. Aggrieved by the same, the petitioner preferred an appeal in C.A.No.205 of 2019 on the file of II Additional District and Sessions Court, Erode. The said appeal was dismissed vide order dated 12.10.2020, confirming the sentence imposed on the petitioner in S.T.C.No.126 of 2018, dated 22.08.2019. Challenging the same, the present Criminal Revision Case has been filed.

3. The learned counsel for the petitioner submits that the respondent had supplied leather goods of defective quality and that the petitioner had informed the respondent by issuing a notice. Pursuant thereto, the complainant had agreed to take back the defective goods. However, without taking back the defective



goods, the complainant has lodged a false case by utilizing the cheque which was issued only as security for the business transaction. Further, he submitted that the complainant had not produced any supporting documents except the cheque, which was issued for business transaction. Hence, he prayed to allow this revision by setting aside the conviction and sentence imposed on the petitioner.

4. The learned counsel for the respondent submitted that though the accused had stated in the notice that the goods supplied were defective, he had not taken any legal steps either to return the goods or to claim damages. The accused had admitted the issuance of cheque in favour of the complainant and his signature therein. Therefore, he submitted that the trial Court after proper appreciation of evidence, had rightly convicted the accused and the same does not warrant any interference of this Court.

5. At this juncture, the learned counsel for the petitioner submitted that the petitioner is ready and willing to pay the cheque amount of Rs.7,00,000/- (Rupees Seven Lakhs only) within the time stipulated by this Court and sought appropriate orders from this Court.

6. Heard both sides and perused the materials available on record.



7. Considering the above submission and undertaking made by the learned counsel for the petitioner, this Court passes the following directions:

(i) The petitioner shall pay the cheque amount of Rs.7,00,000/- (Rupees Seven Lakhs Only) directly to the respondent by way of Demand Draft on or before 15.04.2026.

(ii) Upon such payment being made as stated above, the conviction and sentence imposed on the petitioner in C.A.No.205 of 2019 dated dated 12.10.2020 on the file of II Additional District and Sessions Court, Erode District at Erode, confirming the conviction and sentence imposed in S.T.C.No.126 of 2018, dated 22.08.2019 on the file of the learned Judicial Magistrate (FTC) No.I, Erode shall stand set aside.

(iii) Failing to comply with the above condition, the trial Court is directed to take appropriate steps to secure the petitioner to undergo the sentence.

(iv) It is made clear that if any deposit has already been deposited by the petitioner, the same shall be adjusted towards the total cheque amount.

8. With the above observations and direction, this Criminal Revision Case is disposed of.

02-03-2026

Jd
Index: Yes/No
Speaking/Non-speaking order
Internet: Yes
Neutral Citation: Yes/No



To

1. II Additional District and Sessions Court, Erode District, Erode.
2. The Judicial Magistrate (FTC), No.I, Erode.
3. The Public Prosecutor,
Madras High Court, Chennai.



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G.K.ILANTHIRAIYAN J.
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