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Crl.RC No.1506 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2026

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THE HONOURABLE Mr.JUSTICE SUNDER MOHAN

Crl.R.C.No.1506 of 2023

Bharathiraja

... Petitioner

Vs.

Devendran

... Respondent

PRAYER: Criminal Revision petition filed under Section 397 & 401 of Cr.P.C., to set aside the judgment dated 16.03.2021 in C.A.No.35 of 2020 on the file of the Principal Sessions Judge, Salem District in S.T.C.No.272 of 2018 vide order dated 06.02.2020 on the file of the learned Special Judicial Magistrate (Land Grabbing Cases), Salem and acquit the petitioner / appellant.

For Petitioner : No appearance

For Respondent : Mr.A.Thameem Mohideen for
Mr.C.V.Vijayakumar

ORDER

The petitioner has preferred the above revision challenging the judgment dated 16.03.2021 passed by the learned Principal Sessions Judge, Salem, in C.A.No.35 of 2020; confirming the judgment dated



06.02.2020 of the learned Special Judicial Magistrate (Land Grabbing Cases), Salem, in STC.No.272 of 2018 convicting the petitioner for the offence under Section 138 of Negotiable Instrument Act, 1881, and sentenced him to undergo six months simple Imprisonment and to pay a fine of Rs.5,000/- in default to undergo one month simple imprisonment and the amount of Rs.10,00,000/- awarded as compensation under Section 357 of Cr.P.C.

2. The case of the respondent is that the petitioner borrowed a sum of Rs.10,00,000/- from him and promised to return the said amount and that since the petitioner failed to make the payment, the petitioner had committed the aforesaid offence.

3. During the pendency of the revision, the parties have arrived at a settlement, reduced the terms in writing and the respondent had filed an affidavit, stating that he had received a sum of Rs.10,00,000/- [Rupees Ten Lakhs Only] in full and final settlement of all his claims. The respondent who appeared through video conferencing mode was identified by his counsel and confirms the compromise. The affidavit filed by the respondent dated 14.02.2026 shall form part and parcel of this order.



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4. In view of the compromise arrived at and since the offence under Sections 138 of NI Act, 1881 are compoundable, this Court is inclined to accept the affidavit dated 14.02.2026 and set aside the conviction and sentence imposed on the petitioner by the Courts below.

5. The Criminal Revision Case is allowed in terms of the aforesaid affidavit filed by the respondent. The conviction and Sentence imposed upon the petitioner by judgment dated 16.03.2021 passed by the learned Principal Sessions Judge, Salem, in C.A.No.35 of 2020, confirming the judgment dated 06.02.2020 of the learned Special Judicial Magistrate (Land Grabbing Cases), Salem, in STC.No.272 of 2018, are set aside and the petitioner is acquitted of the offence under Section 138 of the Negotiable Instruments Act, 1881. Fine amount, if any, paid by the petitioner shall be refunded. Bail bond, if any, executed shall stand discharged. The petitioner shall be set at liberty forthwith.

17.02.2026

Index: Yes/No
Speaking/Non-speaking order
Neutral citation: Yes/No.
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SUNDER MOHAN, J.

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To

1. The Principal Sessions Judge

Salem

2. The Special Judicial Magistrate (Land Grabbing Cases), Salem

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17.02.2026