



WEB COPY

CRL RC No. 224 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-02-2026

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THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

CrI.R.C.No.224 of 2013

M.Thangavel

..Petitioner(s)

Vs

1. R.Balasubramani
S/o.Ramasamy
4, Thirumurugan Nagar
S.S.Nagar, 1st Kongu Main Road
Tirupur.

2. The Public Prosecutor
District Court Complex
Tirupur.

..Respondent(s)

Prayer: Criminal Revision Case is filed under Section 397 of Cr.P.C r/w 401 of Cr.P.C. to call for the records pertaining to the Judgment dated 06.02.2013 passed by the Learned Principal Sessions Judge, Tirupur, in CrI. Appeal No.27 of 2012 filed against the Judgment dated 22.10.2012 passed in S.T.C.No. 5701 of 2010 by the learned Judicial Magistrate No.I, Tiruppur and revise the same and acquit the petitioner.

For Petitioner(s): Mr.D.Nellaiappan

For Respondent(s): Mr.Manibharathi-B (MS.2096/2023)
for Mr.Chinnaraj – R1

Mr.S.Udayakumar
Government Advocate (CrI. Side)
Assisted by Ms.Harshana.T - R2



ORDER

The petitioner / accused in 138 of Negotiable Instruments Act case filed by the 1st respondent in S.T.C.No.5701 of 2010 was convicted by the trial Court vide judgment dated 22.10.2012. In this case, the accused was convicted and sentenced to one year Simple Imprisonment and directed to pay the cheque amount of Rs.1,25,000/- as compensation. Aggrieved against the said order, he preferred an appeal before the learned Principal Sessions Judge, Tiruppur in C.A.No.27 of 2012. The learned Sessions Judge, vide judgment dated 06.02.2013 dismissed the appeal and confirmed the conviction and sentence imposed by the trial Court, against which, the present Revision Case has been filed.

2.The gist of the complaint is that the petitioner and the 1st respondent are known to each other for five years prior to the loan transaction. On 13.03.2010, the petitioner approached the 1st respondent for a hand loan for his business and family needs and received Rs.1,25,000/- and promised that he would repay the loan within a period of two months. Thereafter, in discharge of his liability, he issued a cheque drawn on HDFC Bank, Tiruppur branch, bearing No.561003 dated 13.05.2010 for Rs.1,25,000/-. When the cheque was presented on 09.09.2010, the cheque was returned for the reasons “payment stopped by the drawer”. On 14.09.2010, statutory notice issued and on 16.09.2010 notice



received and thereafter neither the cheque amount was paid nor sent any reply to the statutory notice. Following the procedures, complaint filed and the 1st respondent examined himself as P.W.1 and marked six documents and the petitioner examined himself as D.W.1 and marked one document.

3.The learned counsel for the petitioner, without going into the merits of the case, submitted that the cheque amount of Rs.1,25,000/- paid to the 1st respondent by way of demand draft dated 20.09.2018. Further, he produced the affidavit of the 1st respondent confirming the receipt of cheque amount and stating that he has no objection in compounding the offence.

4.Though the learned counsel for the 1st respondent appeared before this Court, he was unable to confirm the payment. Hence, this Court vide order dated 13.02.2026 directed the Inspector of Police, Tiruppur, to find out the whereabouts of the 1st respondent and to inform him about the pendency of the case.

5.Mr.Karthikeyan, the Inspector of Police, North Police Station, Tiruppur City, caused an enquiry and unable to find the 1st respondent in the address given and he further enquired the local residents and submitted a report that whereabouts of R.Balasubramani, S/o.Ramasamy is not known and he is not residing in the said address for a long period.



6. Thereafter, the petitioner addressed a letter to the IDBI Bank, Tiruppur Branch to confirm whether the demand draft No.032398, favouring R.Balasubramani issued on 20.09.2018 for Rs.1,25,000/- has been encashed by the said R.Balasubramaniam or not. The IDBI Bank, Tiruppur Branch confirmed that the demand draft No.032398 has been encashed and R.Balasubramani was paid on 25.09.2018. The letter and the transaction details are scanned below:



IDBI BANK

CIN: L65190MH2004G01148838

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To,

Mr. M Thangavel

Prop:-M/S. Green Axis Trading Solution

S/187 A, Elai Thottam,

Karadivar (P.O.)

SUB:-DD PAID STATUS

Dated:-17-02-2026

Sir,

With reference to your query pertaining to DD issued from M/s. Green Axis Trading Solution, bearing account number 0113102000121736, We hereby confirm that DD number 032397, favouring Mr. M. Balasubramaniam, issued on 20-09-2018 for Rs.85000 has been paid on 25-09-2018 and DD number 032398 issued on 20-09-2018 for Rs.125000 favouring M. Balasubramaniam has been paid on 25-09-2018

This is for your kind information,

Yours Sincerely,



[Authorised Signatory]

आईडीबीआई बैंक लि., 112/23, वेला टॉवर्स, इंदिरा नगर, फर्स्ट स्ट्रीट, अविनाशी रोड, तिरुपुर, पिन - 641603 तमिलनाडु
IDBI BANK LTD., 112/23, Vela Towers, Indira Nagar, 1st Street, Avinashi Road, Thirupur - Pin - 641603 Tamil Nadu

आईडीबीआई बैंक लि., आईडीबीआई टॉवर, इण्डिया टॉवर कॉम्प्लेक्स, कुली पार्क, मुंबई - 400 005 Website: www.idbibank.in
IDBI Bank Ltd., IDBI Tower, WTC Complex, DLF Parkside, Mumbai - 400 005 Website: www.idbibank.in



17 February 2020 | User: 145778 | 113 | Menu Structure: []

Universal Banking Solution from Infosys

Card Cheques Inquiry

Ac. ID * 11330100010050 HR 113 IDBI OMNIPAY-PAP DU ACCOUNT

From Cheque Nos. 32367 To Cheque Nos. 32368

From Date 16-09-2018 To Date 17-02-2020

Clear

Ac. ID	Ac. Name	Balance
11330100010050	IDBI OMNIPAY-PAP DU ACCOUNT	1,26,51,225.46 Cr

Transaction Date	Cheque No.	Cheque Status	Payee Name	Details	View Details
16-09-2018	32368	PASSED	R BALASUBRAMANI	ICTS2 / 26-09-2018 / 945 / 1,25,000.00 / ICTS2 PW CLEARING	
16-09-2018	32367	PASSED	M BALASUBRAMANIAM	ICTS2 / 26-09-2018 / 945 / 55,000.00 / ICTS2 PW CLEARING	

7.The Inspector of Police had also collected similar details from the IDBI Bank, Tiruppur Branch and produced them before this Court today.

8.In view of the fact that the cheque amount of Rs.1,25,000/- has been paid by the petitioner and the 1st respondent given an undertaking to compound



the offence, and despite several steps taken to confirm the receipt of the cheque amount by the 1st respondent, he was not found in the address given and the whereabouts not known. Now, after getting the proof from the bank concerned, it is confirmed that the amount has been paid.

9. In light of above, this Court by invoking its inherent powers, compounds the case. The petitioner is acquitted from all charges from the above case.

10. At this juncture, the learned counsel for the petitioner submitted that at the time of preferring the appeal, the learned Principal Sessions Judge, Tiruppur, directed the petitioner to deposit 25% of the cheque amount viz. Rs.31,250/- before the trial Court in S.T.C.No.5701 of 2010

11. The 25% amount paid by the petitioner is directed to be repaid to the petitioner along with accrued interest, if any, on filing a Memo along with this order copy dispensing notice to the respondent.

12. This Court appreciates the efforts taken by Mr. Karthikeyan, the Inspector of Police North Police Station, Tiruppur City, to find out the whereabouts of the 1st respondent.



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M.NIRMAL KUMAR, J.

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13.This Criminal Revision Case stands allowed accordingly. The bail bonds, if any, executed by the petitioner shall stand cancelled. The Registry is directed to transmit the original records if any, to the respective Courts forthwith.

18-02-2026
(2/2)

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

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To.

1.The Judicial Magistrate No.I
Tiruppur

2.The Principal Sessions Judge
Tiruppur

3.The Public Prosecutor
High Court of Madras
Chennai 600 104

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