



WEB COPY

CRL RC No. 464 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-03-2026

CORAM

THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

CRL RC No. 464 of 2023

K.Karthik

..Petitioner(s)

Vs

K.R.Jegan

..Respondent(s)

This Revision is filed under Sections 397 & 401 of CPC to set aside the judgement passed in CA.No.468/2018 on the file of the V Additional District and Sessions Judge, Coimbatore dated 30.9.2022 confirming the judgement passed in CC.No.51/2016 by the Judicial Magistrate, Fast Track Court No.2, Coimbatore dated 27.9.2018 by allowing this revision petition.

For Petitioner(s): Mr.B.Gopalakrishnan

For Respondent(s): No Appearance

ORDER

This Criminal Revision Case has been filed against the judgment passed in CA.No.468 of 2018, dated 30.9.2022 by the V Additional District and Sessions Judge, Coimbatore, confirming the judgment and sentence passed by Trial Court in CC.No.51 of 2016 dated 27.9.2018 on the file of the Judicial Magistrate, Fast Track Court No.II, Coimbatore.



2. The petitioner is the accused in the complaint lodged by the respondent for the offence punishable under Section 138 of the Negotiable Instruments Act.

The petitioner on 04.02.2014 borrowed a sum of Rs.4,75,000/- in order to develop his Auto Spare Parts Shop and agreed to repay the amount with 2% interest. In order to repay the said amount, the petitioner issued a cheque for Rs.4,75,000/-. When the same was presented for collection, it was returned with the endorsement "Funds Insufficient". After causing statutory notice, the respondent initiated proceedings under Section 138 of the Negotiable Instruments Act. The complaint was taken on file by the Trial Court. In order to prove the complaint, the respondent examined himself as PW1 and marked Exs.P1 to P7. On the side of the petitioner, two witnesses were examined as DW1 and DW2 and Exs.D1 to D6 were marked. Upon perusal of the oral and documentary evidence, the petitioner found the petitioner guilty for the offence punishable under section 138 of NI Act and sentenced him to undergo six months imprisonment. The Trial Court also directed the petitioner to pay compensation of the cheque amount with 6% interest. Aggrieved by the same, the petitioner preferred an appeal and the same was dismissed confirming the judgment of the Trial Court. Hence, the present Revision case.

3. The learned counsel for the petitioner submitted that the petitioner is ready and willing to settle the cheque amount within a period of four weeks and



upon such settlement, the petitioner may be permitted to compound the offence in the manner known to law.

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4. Considering the above facts and circumstances, this Court finds that there is no infirmity or illegality in the concurrent finds of the Trial Court as well as the Appellate Court and hence, the Revision is liable to be dismissed. Accordingly, the Civil Revision Case is dismissed. However, if the petitioner settles the cheque amount with the respondent directly within a period of four weeks from today, the order of conviction and sentence imposed by the Trial Court in CC.No.51 of 2016 dated 27.9.2018 and confirmed by the Appellate Court in CA.No.468 of 2018, dated 30.9.2022 shall stand set aside. Failing which, the respondent is at liberty to take appropriate steps to secure the petitioner to undergo remaining period of sentence. It is made clear that if any deposit has already been made by the petitioner, the same shall be deducted from the cheque amount.

09-03-2026

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

1. The V Additional District and Sessions Judge, Coimbatore
2. The Judicial Magistrate, Fast Track Court No.2, Coimbatore



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G.K.ILANTHIRAIYAN, J.

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