



WEB COPY



Crl.RC.No.427 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.03.2026

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.RC.No.427 of 2023

Amutha

... Petitioner

Vs.

Manivannan

... Respondent

Prayer: Criminal Revision Petition filed under Sections 397 & 401 of Cr.P.C. to call for the records relating to the Judgment dated 09.01.2023 made in Crl.A No.9 of 2022 on the file of II Additional District and Sessions Judge, Kallakruichi, Villupuram confirming the Judgment dated 29.03.2022 made in STC.No.17 of 2019 on the file of the Judicial Magistrate(Fast Track Court), Kallakurichi and set aside the same by allowing the above criminal revision case.

For Petitioner : Mr.R.Bharath Kumar

For Respondent : Mr.N.Manoharan

ORDER

This criminal revision case has been filed praying to set aside the Judgment dated 09.01.2023 made in Crl.A No.9 of 2022 on the file of II Additional District and Sessions Judge, Kallakruichi, Villupuram confirming the Judgment dated 29.03.2022 made in STC.No.17 of 2019



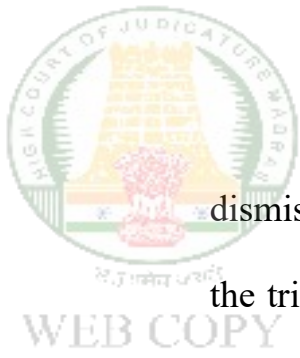
Crl.RC.No.427 of 2023

on the file of the Judicial Magistrate(Fast Track Court), Kallakurichi.

WEB COPY

2. The petitioner is the accused in the complaint lodged by the respondent for the offence punishable under Section 138 of NI Act alleging that the petitioner and the respondent were friends. While being so, the petitioner borrowed a sum of Rs.9,00,000/- for her family expenses and also for her children's educational expenses. In order to repay the said amount, the petitioner issued a cheque. It was presented for collection. However, it was returned dishonoured for the reason 'funds insufficient'. After causing statutory notice, the respondent filed complaint and the same was cognizance by the trial court for the offence punishable under Section 138 of NI Act.

3. In order to prove the complaint, the respondent examined himself as PW1 and marked Ex.P1 to Ex.P7. On the side of the accused, she had examined herself as DW1 and marked Ex.D1 and Ex.D2. On perusal of oral and documentary evidences, the trial court convicted the petitioner for the offence punishable under Section 138 of NI Act and sentenced her to undergo one year rigorous imprisonment and also awarded compensation to the tune of the cheque amount. Aggrieved by the said order, the petitioner preferred appeal and the same was also



Crl.RC.No.427 of 2023

dismissed by confirming the order of conviction and sentence imposed by the trial court. Aggrieved by the same, the present criminal revision case has been filed.

4. The learned counsel appearing for the petitioner would submit that now the petitioner is ready and willing to deposit the cheque amount within a period of six months.

5. Considering the above submission, this Court is inclined to set aside the impugned judgments on certain condition. Accordingly, this criminal revision case is allowed and the judgment dated 09.01.2023 made in Crl.A No.9 of 2022 on the file of II Additional District and Sessions Judge, Kallakruichi, Villupuram and the judgment dated 29.03.2022 made in STC.No.17 of 2019 on the file of the Judicial Magistrate(Fast Track Court), Kallakurichi are set aside on condition that the petitioner shall deposit the entire cheque amount to the credit of STC.No.17 of 2019 on the file of the Judicial Magistrate(Fast Track Court), Kallakurichi / shall directly pay to the respondent and produce the acknowledgment before the trial court within a period of six weeks from today, failing which the order of conviction and sentence imposed by the trial court, which was confirmed by the appellate court, shall stand



CrI.RC.No.427 of 2023

restored forthwith, pursuant to which the respondent shall immediately take steps to secure the petitioner to undergo the sentence. In the event of depositing the cheque amount by the petitioner, the respondent is permitted to withdraw the same and the trial court is directed to permit the respondent to withdraw the said amount without ordering notice to the petitioner.

05.03.2026

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
lok



CrI.RC.No.427 of 2023

To
WEB COPY

- 1.The learned II Additional District and Sessions Judge,
Kallakruichi, Villupuram
- 2.The learned Judicial Magistrate(Fast Track Court), Kallakurichi



WEB COPY



Crl.RC.No.427 of 2023

G.K.ILANTHIRAIYAN, J.

lok

Crl.RC.No.427 of 2023

05.03.2026