



WEB COPY

CRL RC No. 810 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-03-2026

CORAM

THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

CRL RC No. 810 of 2021

and Crl.MP.Nos.11886 and 11887 of 2021

Jaishankar

..Petitioner(s)

Vs

Sujesh

..Respondent(s)

This Crl.R.C. is filed under Section 397 r/w. 401 Cr.P.C. against the judgment dated 20.12.2019 in STC No.67 of 2019 on the file of the Judicial Magistrate, Fast Track Court, Athur, convicting the appellant u/s. 138 N.I. Act, sentencing him to 6 months S.I. and order him to pay Rs.5,50,000/- cheque amount as compensation u/s. 357(3) Cr.P.C. confirmed in judgment dated 22.12.2020 in C.A.No.8 of 2020 on the file of the II Additional District Judge, Salem.

For Petitioner(s):

Mr.S.V.Badriah,
for M/s. S.Kalyanaraman

For Respondent(s):

No Appearance



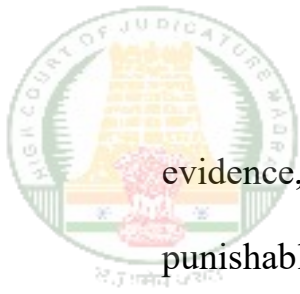
ORDER

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This Criminal Revision Case has been filed against the judgment dated 22.12.2020 passed in C.A.No.8 of 2020 on the file of the II Additional District Judge, Salem, whereby the judgment of conviction and sentence imposed by the Trial Court in STC No.67 of 2019 dated 20.12.2019 on the file of the Judicial Magistrate, Fast Track Court, Athur, for the offence punishable under Section 138 of the Negotiable Instruments Act was confirmed.

2. The petitioner is the accused in the complaint filed by the respondent for the offence punishable under Section 138 of Negotiable Instruments Act alleging that the petitioner and the respondent were acquainted with each other. The petitioner approached the respondent seeking a loan to the tune of Rs.5,50,000/- and received the same on 22.06.2018. In order to repay the said amount, the petitioner issued a cheque in favour of the respondent and the same was presented for collection. However, it was returned for the reason “Funds Insufficient”. After causing a statutory notice, respondent initiated the present complaint.

3. In order to prove the case, the respondent examined himself as PW1 and marked Exs.P1 to P7. On the side of the petitioner, no witness was examined and no document was marked. On perusal of oral and documentary



evidence, the Trial Court found that the petitioner is guilty for the offence punishable under Section 138 of the Negotiable Instruments Act and sentenced him to undergo six months simple imprisonment and also awarded compensation of the cheque amount. Aggrieved by the same, the petitioner preferred an appeal, which was dismissed confirming the conviction and sentence awarded by the Trial Court. Hence, the present Criminal Revision Case has been filed.

4. The learned counsel for the petitioner submitted that though the petitioner did not send a reply to the statutory notice and did not examine any witness on his behalf, during cross examination of PW1, certain materials were elicited which according to the petitioner, were sufficient to rebut the statutory presumption under Sections 118 and 139 of the Negotiable Instruments Act. It is therefore contended that the Courts below erred in mechanically convicting the petitioner without properly appreciating the said materials.

5. This Court has carefully considered the submissions of the learned counsel for the petitioner and perused the materials available on record. It is seen that the petitioner has not denied either the signature in the cheque or the issuance of the cheque. Once the execution of the cheque is admitted, the presumption under Sections 118 and 139 of the Negotiable Instruments Act operates in favour of the complainant. In the present case, the respondent has



discharged the initial burden cast upon him under Section 138 of the Negotiable Instruments Act. However, the petitioner has failed to rebut the statutory presumption by adducing any acceptable evidence.

6. In such circumstances, this Court finds no infirmity or illegality in the concurrent findings of the Trial Court as well as the Appellate Court warranting interference in this revision. Hence, the Criminal Revision Case is dismissed.

7. However, if the petitioner pays the cheque amount to the respondent directly, on or before 15.04.2026, the order of conviction and sentence imposed by the Trial Court and confirmed by the Appellate Court 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 imposed by the Trial Court and confirmed by the Appellate Court. Consequently, connected miscellaneous petitions are closed.

11-03-2026

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

To

1. The Judicial Magistrate, Fast Track Court, Athur,
2. II Additional District Judge, Salem



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G.K.ILANTHIRAIYAN, J.

PVS

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