



WEB COPY



CRL RC No. 457 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-02-2026

CORAM

THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL RC No. 457 of 2022

and

CrI.M.P.No.4005 of 2026

G.Venkatesh
S/o. Govindaraj,
D.No. 8, 2nd Street,
A.K.G. Nagar, Upplipalayam,
Coimbatore – 641 015.

Petitioner(s)/Accused

Vs

Velumyle
S/o. Kaliannan,
No.32, Arumugam Street,
Puliyankulam,
Coimbatore – 641 045.

Respondent(s)/Complainant

PRAYER: The Criminal Revision Petition filed under Sections 397 and 401 of Cr.P.C., praying to set aside the order dated 08.02.2022 in CrI.A.No.96 of 2020 on the file of III Additional District and Sessions Judge at Coimbatore for convicting the appellant and confirming the order dated 01.02.2020 in C.C.No.203 of 2016 on the file of Judicial Magistrate, Fast Track Court at Magisterial Level-2, Coimbatore.



WEB COPY



CRL RC No. 457 of 2022

For Petitioner : Mr.S.Dinuprashanth

For Respondent: M/s.N.Vijaya Malathi
For M/s.J.Kingsly Solomon

ORDER

The petitioner/accused was prosecuted by the respondent for offence under Section 138 of the Negotiable Instruments Act in C.C.No.203 of 2016. The trial Court, by judgment dated 01.02.2020 convicted the petitioner and sentenced him to undergo six months simple imprisonment and to pay the cheque amount of Rs.18,88,000/- as compensation. Aggrieved against the same, the petitioner preferred an appeal in Crl.A.No.96 of 2020 before the III Additional District and Sessions Judge, Coimbatore. The learned Sessions Judge, by judgment dated 08.02.2022, dismissed the appeal confirming the conviction and sentence of the trial Court, against which, the present revision is filed.

2.The case against the petitioner is that on 09.03.2015, the petitioner/accused borrowed a sum of Rs.18,88,000/- from the respondent/complainant to meet his urgent family and business requirement and agreed to repay the same with 12% interest. The petitioner also executed a demand promissory note but failed to repay the money as agreed. After

2/10



repeated demands, on 29.09.2015, the petitioner issued a cheque for Rs.18,88,000/- favouring the respondent/complainant, which was presented and returned as 'Funds Insufficient'. Thereafter, statutory notice issued and following the procedure complaint filed.

3.During trial, the respondent/complainant examined himself as PW1 and marked Exs.P1 to P4. On the side of the defence, the petitioner neither examined any witness nor filed any documents. On conclusion of trial, the trial Court convicted the petitioner and the Lower Appellate Court confirmed the same as stated above.

4.The contention of the learned counsel for petitioner is that the petitioner had never taken any loan from the respondent and he had not filled up the cheque and handed over to the respondent. The cheque was given to one Sathish for some other transaction and the same had come in possession of the respondent, who filled up the cheque and projected a false case against the petitioner. Further the respondent has no wherewithal to pay such huge amount of Rs.18,88,000/- to the petitioner.



5.The learned counsel for respondent submitted that the respondent proved that the petitioner received statutory notice but not sent any reply. In this case though it was claimed that cheque was given to one Sathish, the said Sathish not examined as witness and no steps taken to examine him. The respondent is doing business and having sufficient income. His wife is employed at Pricol Industries and for the purpose of constructing a house, an amount of Rs.18,88,000/- kept with him and at the request of the petitioner, loan was given and the petitioner also not denied the cheque and signature. Considering all these aspects, the trial Court rightly convicted the petitioner and the Lower Appellate Court confirmed the same.

6.Be that as it may. Now an understanding reached between the petitioner and respondent and the petitioner agreed to pay the cheque amount. Earlier the petitioner filed petitions seeking suspension of sentence and exemption from surrender in Crl.M.P.Nos.4730 and 4732 of 2022, respectively. This Court, by order dated 25.04.2022, granted suspension of sentence to the petitioner on condition that the petitioner to deposit 50% of the cheque amount, i.e., Rs.9,44,000/-. Pursuant to which, the petitioner filed Crl.M.P.No.19817 of 2022 seeking to permit the petitioner to deposit the



CRL RC No. 457 of 2022

conditional amount. This Court, by order dated 09.01.2023 permitted the petitioner to deposit the conditional amount on or before 30.01.2023. In compliance to the same, the petitioner had taken Demand Draft bearing No.735903 drawn at Indian Overseas Bank, District Court Branch, Coimbatore on 25.01.2023 and deposited to the credit of C.C.No.203 of 2016 before the Judicial Magistrate/Fast Track Court-II, Coimabtoe. A scanned reproduction of the receipt reads as follows:

Hon'ble High Court in (C) R.C.No
dated: 19-01-2023
Fixed Deposit.
0612943
dr 3-23
No. 129
Crl.Misc.61-A,2, 708 Bks-22-16
FOIL
CC 203/20
(Form of receipt to be granted by the court)
JUDICIAL MAGISTRATE - II
IN THE COURT OF THE (T.C. AT MAGISTERIAL LEVEL)
COIMBATORE
Received this 3rd day of Feb 2023
from G. ven katesh
son of S/o. Govindaraj
sum of Rs. (Nine Lakh Forty
Four Thousand only
the whole / part of the
Rs. 9,44,000/-
the
) being
Rs. 9,44,000/-
JUDICIAL MAGISTRATE
(T.C. AT MAGISTERIAL LEVEL)
COIMBATORE
6/2/23



CRL RC No. 457 of 2022

7. Thereafter, the petitioner undertook to pay the balance amount of Rs.9,44,000/- in two installments. As per his undertaking, on 13.01.2026, the petitioner paid the first installment amount of Rs.4,72,000/- by way of demand draft. A scanned reproduction of the demand draft reads as under:



8. Thereafter, on 13.02.2026, the petitioner paid the second installment of Rs.4,72,000/- by way of demand draft and the respondent/complainant acknowledged receipt of the same. A scanned reproduction of the demand draft reads as under:



CRL RC No. 457 of 2022

WEB COPY

COIMBATORE
CICICI Bank
*****VELLODY*****
DEMAND PAY
FOUR LAKH SEVENTY TWO THOUSAND ONLY
RUPEES
*****4,72,000.00
FOR VALUE RECEIVED
Purchaser Name: VENKATESH G
TL 4x6 Not Above 4,72,000.00
4234DDCENPAY
COIMBATORE-MASARALIPALAYAM
Having drawn
Authorized Signature
Authorized Signature
388112
502238 0002290004 004234* 16
Received
Original ID
Advocate for respondent
M.S. Balajee Sridhar
6084/2022
17/12/2022
For
M.S. BALAJEE SRIDHAR B.Sc, B.L.
Advocate (MS. No : 379/1990)
"Mecheri Crest", No. 3, S.R. Iyer Layout,
(Near All India Radio), Ramanathapuram,
Coimbatore - 641 045.

Thus, the entire cheque amount paid.



CRL RC No. 457 of 2022

9. Today, the petitioner/accused and the respondent/complainant present in person and confirm the compromise arrived at between them. In support of the same, the learned counsel for respondent/complainant filed a Petition under Section 147 of the Negotiable Instruments Act, 1881 in Crl.M.P.No.4005 of 2026 for compounding the offence along with the affidavit of petitioner and a Joint Compromise Memo dated 25.02.2026 and the petition is ordered.

10. Since the entire cheque amount has been paid and a compromise arrived at between the parties and considering the petition under Section 147 of the Negotiable Instruments Act, the offence under Section 138 of the Negotiable Instruments Act in C.C.No.203 of 2016 is compounded.

11. In view of the same, the Joint Compromise Memo dated 25.02.2026 is taken on file. The Criminal Revision Case is allowed in terms of the Joint Compromise Memo dated 25.02.2026. The conviction and sentence imposed on the petitioner vide judgment dated 08.02.2022 made in Crl.A.No.96 of 2020 on the file of the III Additional District and Sessions Court, Coimbatore, confirming the judgment dated 01.02.2020 made in C.C.No.203 of 2016 on



CRL RC No. 457 of 2022

the file of the Judicial Magistrate, Fast Track Court at Magisterial Level-2, Coimbatore, is set aside and the revision petitioner is acquitted of the offence under Section 138 of the Negotiable Instruments Act.

12.The petitioner/accused already deposited a sum of Rs.9,44,000/- to the credit of C.C.No.203 of 2016 on the file of Judicial Magistrate, Fast Track Court at Magisterial Level-2, Coimbatore. The petitioner/accused has no objection for the respondent to withdraw the said amount. In view of the compounding of the offence, the learned Judicial Magistrate, Fast Track Court at Magisterial Level-2, Coimbatore is directed to return the amount of Rs.9,44,000/- lying in the credit of C.C.No.203 of 2016 along with accrued interest, if any, to the respondent/complainant dispensing notice to the petitioner/accused, after filing appropriate petition/Memo by the respondent/complainant.

25.02.2026

Index : Yes / No

Neutral citation : Yes / No

Internet : Yes/No

Speaking / Non-speaking order
rsi



WEB COPY



CRL RC No. 457 of 2022

M.NIRMAL KUMAR, J.

rsi

To

1.The III Additional District and Sessions Judge,
Coimbatore.

2.The Judicial Magistrate,
Fast Track Court at Magisterial Level-2,
Coimbatore.

CRL RC No. 457 of 2022

25.02.2026