



WEB COPY



Crl.RC.No.934 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.03.2026

CORAM:

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

Crl.RC.No.934 of 2021

Murugavel

... Petitioner

Vs.

M/s.A.K.R.Export & Import,
represented by
K.Ravichandran,
No.15, Ayipalayam,
Siruvalur Post, Gobi Taluk,
Erode District

... Respondent

Prayer: Criminal Revision Case filed under Sections 397 and 401 of Cr.P.C. to set aside the judgment of the learned III Additional District and Sessions Judge of Erode at Gobichettipalayam dated 15.12.2020 in Crl.App.No.02 of 2020 confirming the judgment of the learned Judicial Magistrate No.2 of Gobichettipalayam dated 22.11.2019 in CC.No.21 of 2017 and allow the above revision.

For Petitioner : Mr.B.Bharath Kumar
for Mr.V.Nicholas

For Respondent : Mr.V.Anandhamurthy

ORDER

This criminal revision case has been filed against the judgment of the learned III Additional District and Sessions Judge of



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Erode at Gobichettipalayam dated 15.12.2020 in Crl.App.No.02 of 2020, thereby confirming the order of conviction and sentence imposed by the learned Judicial Magistrate No.2 of Gobichettipalayam dated 22.11.2019 in CC.No.21 of 2017 for the offence punishable under Section 138 of NI Act.

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 his wife were running 'Sri Mookambikai Enterprises' and borrowed a sum of Rs.3,50,000/- on 16.12.2011 and a sum of Rs.75,000/- on 31.12.2011. In order to repay the said amounts, the petitioner issued a cheque for a sum of Rs.4,25,000/- and it was presented for collection. However, the same was returned dishonoured for the reason 'insufficient funds'. After causing statutory notice, the respondent filed complaint and the same was taken cognizance by the trial court.

3. Before the trial court, on the side of the respondent, they had examined PW1 and PW2 and marked Ex.P1 to Ex.P4. On the side of the petitioner, he did not examine any witness, however he marked Ex.D1 to Ex.D6. On perusal of oral and documentary evidences, the trial court found the petitioner guilty for the offence punishable under Section 138



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of NI Act and sentenced him to undergo one year simple imprisonment.

The trial court ordered that the petitioner shall pay compensation to the tune of the cheque amount. Aggrieved by the same, the petitioner preferred criminal appeal, which was dismissed, against which the present criminal revision case has been filed by the accused.

4. The learned counsel for the petitioner would submit that the petitioner is ready and willing to settle the cheque amount within a period of six weeks.

5. The learned counsel for the respondent submitted that the respondent has agreed to receive the cheque amount.

6. Considering the above submissions, this Court is inclined to set aside the impugned judgments on a condition. Accordingly, this criminal revision case is allowed and the judgments of the learned Judicial Magistrate No.2 of Gobichettipalayam dated 22.11.2019 passed in CC.No.21 of 2017 and of the learned III Additional District and Sessions Judge of Erode at Gobichettipalayam dated 15.12.2020 passed in Crl.App.No.02 of 2020 are set aside on condition that the petitioner shall pay the cheque amount after deducting whatever the amount already



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deposited by the petitioner before the trial court directly to the respondent and produce the acknowledgment receipt 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, as confirmed by the appellate court, shall stand confirmed and the respondent shall be at liberty to take appropriate steps to secure the petitioner to undergo the remaining period of sentence.

24.03.2026

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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To
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- 1.The learned III Additional District and Sessions Judge of Erode at Gobichettipalayam
- 2.The learned Judicial Magistrate No.2 of Gobichettipalayam



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G.K.ILANTHIRAIYAN, J.

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