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CRL RC No. 616 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-03-2026

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THE HON'BLE MR.JUSTICE C.KUMARAPPAN

**CRL RC No. 616 of 2026
in CrI.M.P.No.4706 of 2026**

Ramesh

..Petitioner

Vs

Subramaniyan

..Respondent

Prayer: This Criminal Revision petition is filed under Section 438 r/w. 442 of Bharatiya Nagarik Suraksha Sanhita, 2023, to set aside the judgment dated 12.03.2025 in CrI.A.No.89 of 2024, on the file of the learned Principal District and Sessions Judge, Kallakurichi, confirming the conviction and sentence in the judgment dated 18.12.2023 made in C.C.No.68 of 2021, on the file of Judicial Magistrate (FTC), Kallakurichi.

For Petitioner:

Mr.W.Camyles Gandhi

For Respondent:

Mr.S.J.Raja Janakiraman

ORDER

The petitioner has preferred the above revision challenging the judgment passed by the learned Principal District and Sessions Judge, Kallakurichi in CrI.A.No.89 of 2024 dated 12.03.2025, confirming the judgment of the learned Magistrate convicting the petitioner for the offence under Section 138 of the Negotiable Instruments Act and sentenced him to undergo six months rigorous imprisonment and to pay cheque amount of Rs.6,25,000/- in default, to undergo



further Simple Imprisonment for three months.

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2. No name is printed in the cause list in respect of the respondent.

However, the learned counsel Mr.S.J.Raja Janakiraman is present and submitted that he had already appeared for the respondent at the time of condonation of delay.

3. The respondent/complainant appeared through virtual mode and also filed an affidavit stating that he has entered into a compromise with the appellant/accused. In the said affidavit, the respondent has stated that the dispute between the parties has been amicably settled and therefore prayed that the judgment dated 12.03.2025 in Crl.A.No.89 of 2024, on the file of the learned Principal District and Sessions Judge, Kallakurichi, confirming the judgment of conviction and sentence dated 18.12.2023 passed by the learned Judicial Magistrate (FTC), Kallakurichi, in C.C.No.68 of 2021 may be set aside. For ready reference, the scanned image of the affidavit is depicted hereunder:-



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IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Appellate Jurisdiction)

CRL RC. No. 616 of 2026

RAMESH, M/A. 62 Yrs,
S/o Ramakrishnan,
Kottimedu, Kallakurichi and Taluk
Kallakurichi District.
[Now confined in Central Prison
Cuddalore]

... Petitioner

-Vs-

SUBRAMANIYAN, M/A. 60 Yrs
S/o. Arumuga Mudaliyar,
No.27, Puthu Street,
Chinnasalem and Taluk
Kallakurichi District.

... Respondent

AFFIDAVIT OF THE RESPONDENT

I, Subramaniyan, S/o. Arumuga Mudaliyar, Hindu, aged about 60 years, residing at No.27, Puthu Street, Chinnasalem and Taluk, Kallakurichi District, do hereby solemnly affirm and sincerely state as follows:

- 1) I am the respondent herein and Respondent in the main revision and as such I am well acquainted with the facts and circumstances of the case.
- 2) I state that the in view of acquaintance with each other. Due to such acquaintance, Respondent herein borrowed a sum of Rs.6,00,000/-, as hand loan on 07.02.2021, for settlement of his debt, business and for family expenditure. Respondent herein issued a post dated cheque bearing No.478490, dated 03.05.2021, on the same day of borrowing, drawn from the Indian Bank, Kallakurichi Branch, in my favour and requested me to present the cheque for collection on or after the date

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specified in the cheque. When I requested the Respondent herein to repay the amount, the Respondent herein not discharged the debt, instead asked me to present the cheque for collection. So, I have presented the cheque on 23.06.2021, for encashment with his banker namely Indian overseas bank, Chinnasalem. the said cheque was returned as unpaid with endorsement of "insufficient funds, on 23.06.2021. Hence, I have issued a statutory notice on 28.06.2021. The said notice was received by Respondent herein on 02.07.2021 and not issued a reply notice and failed to comply the demands. Hence with no other option, I have filed the complaint under section 138 and 142 of NI Act in C.C.No. 68 of 2021, on the file of Judicial Magistrate (FTC), Kallakurichi.

- 3) I state that I have vehemently contested the said case. The Learned Judicial Magistrate rightly appreciating the Evidence and witnesses in proper manner allowed the case. Aggrieved by the same, Respondent herein preferred an appeal before the Learned Principal District & Sessions Judge, Kallakurichi in CRLA.No. 89 of 2024 and the Learned District Judge also rightly dismissed the Criminal Appeal vide Order dated 12.03.2025. Meantime, we came to an amicable settlement of issue, wherein without giving heed to the same, said Appeal has been dismissed. I state in view of the said dismissal, now the Respondent herein confined in Central Prison, Cuddalore. Meantime, Respondent's wife paid the cheque amount to the Respondent vide NEFT via HDFC Bank, Kallakurichi Rs.6,25,000/- and settled the matter amicably.



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4) I state that in view of the said amicable settlement in this issue, I am herewith annexing the Acknowledgement for payment of NEFT to Respondent. I state that now, the issue between us got settled amicably. In view of the said Legal proceedings, which affects the normal life of Respondent, wherein he is confined in Prison and as well as which affects the long standing relation between the parties. In these circumstances, ends of justice therefore requires that this Hon'ble Court may be pleased to record this Compromise agreement and the compromise arrived between parties and compound the offence and consequently set aside the dated 12.03.2025 in CRLA. No. 99 of 2024, on the file of the Learned Principal District and Sessions Judge, Kallakurichi, confirming the conviction and sentence in the Judgment dated 18.12.2023 made in C.C.No. 68 of 2021, on the file of Judicial Magistrate (PTC), Kallakurichi, as otherwise I will be put to serious prejudice and untold hardships.

It is therefore prayed that this Hon'ble Court may be pleased to record this Compromise agreement entered between parties and compound the offence and consequently set aside the Judgment dated 12.03.2025 in CRLA. A. No. 89 of 2024, on the file of the Learned Principal District and Sessions Judge, Kallakurichi, confirming the conviction and sentence in the Judgment dated 18.12.2023 made in

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C.C.No. 68 of 2021, on the file of Judicial Magistrate (FTC),

Kallakurichi, and thus render justice.

Solemnly affirmed at Kallakurichi
this the 10th day of March, 2025
And the above said contents explained
and read to her in Tamil and signed
her name in my presence

BEFORE ME:

S. Arvind Kumar
MISNO. 2024/2121

ADVOCATE: KALLAKURICHI

NO. 21, RATHA NAGAR,
KALLAKURICHI TOWN,
KALLAKURICHI DC - 606 401
Ph. No. 8056421959

4. In view of the Compromise reached between the parties, and considering the nature of the offence, this Court permits the parties to compound the offence. Accordingly, the petitioner is acquitted and the judgment of the learned Principal District and Sessions Judge, Kallakurichi in Crl.A.No.89 of 2024 dated 12.03.2025, confirming the judgment of conviction and sentence dated 18.12.2023 passed by the learned Judicial Magistrate (FTC), Kallakurichi, in C.C.No.68 of 2021, are hereby set aside. As a consequence the conviction and sentence passed against the petitioner in C.C.No.68 of 2021 and confirmed in Crl.A.No.89 of 2024 are hereby set aside. Accordingly, the Criminal Revision Case is **allowed** in terms of the above compromise. The



petitioner/Ramesh is directed to be released forthwith unless his presence is required in connection with any other case. The fine amount, if any, paid by the petitioner shall be refunded. The bail bond, if any, executed shall stand discharged. Consequently, connected Crl.M.P.No.4706 of 2026 stands closed.

10-03-2026

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To

1. The Principal District and Sessions Judge, Kallakurichi.
2. The Judicial Magistrate (FTC), Kallakurichi.
3. Central Prison- Cuddalore.



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C.KUMARAPPAN, J.

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