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Crl.R.C.No.753 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.03.2026

CORAM:

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

Crl.R.C.No.753 of 2021

J.Vijayakumar

.... Petitioner

Vs

A.Madhavan

.... Respondent

PRAYER: Criminal Revision Case is filed under Section 397 r/w 401 of Code of Criminal Procedure, to set aside the judgment of dismissal passed in C.A.No.28 of 2018 dated 05.04.2021 by the learned Additional Sessions Judge, Fast Track Mahila Court, Tiruvarur as well as the Judgment of conviction passed in STC No.55 of 2017 by the learned Judicial Magistrate (FTC), Thiruthuraipoondi, Tiruvarur District, dated 31.05.2018 by allowing the criminal revision petition.

For Petitioner : M/s.Hemalatha
for Mr.Vijayaraghavan

For Respondent : Mr.Yuvaraj
for Mr.Swami Subramani

ORDER

This Criminal Revision Case has been filed as against the Judgment passed in C.A.No.28 of 2018, dated 05.04.2021, on the file of the Additional Sessions Judge, Fast Track Mahila Court, Tiruvarur,



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thereby confirming the order of conviction and sentence imposed in STC No.55 of 2017, dated 31.05.2018, on the file of the Judicial Magistrate (FTC), Thiruthuraipoondi, Tiruvarur, for the offence punishable under Section 138 of the Negotiable Instruments Act.

2. The respondent lodged a complaint against the petitioner for the offence punishable under Section 138 of the Negotiable Instruments Act, alleging that on 20.07.2017, the petitioner borrowed a sum of Rs.2,00,000/- from the respondent. In order to repay the said amount, the petitioner issued a cheque and the same was presented for collection. However, the said cheque was returned dishonoured with an endorsement “Funds Insufficient”. After causing a statutory notice, the respondent lodged a complaint and the same has been taken cognizance by the Trial Court.

3. In order to prove the case, the complainant had examined P.W.1 and marked Exs.P1 to P5. On the side of the petitioner, no witnesses were examined and no documents were marked.

4. On perusal of the oral and documentary evidence, the Trial Court found the petitioner guilty of the offence under Section 138 of the

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Negotiable Instruments Act and sentenced him to undergo six months simple imprisonment and also directed him to pay the cheque amount as compensation to the respondent. Aggrieved by the same, the petitioner preferred an appeal and the same was also dismissed and confirmed the order of conviction and sentence imposed by the Trial Court. Hence, the present revision case has been filed.

5. The learned counsel appearing for the petitioner submitted that out of the total cheque amount of Rs.2,00,000/-, the petitioner has already paid a sum of Rs.1,00,000/- and she sought further time to settle the remaining amount.

6. In view of the above said submission, the order of conviction and sentence imposed by the Trial Court and confirmed by the Appellate Court is hereby set aside. The petitioner is acquitted on condition that the petitioner shall pay the remaining cheque amount of Rs.1,00,000/- **on or before 29.04.2026**, failing which, the order of conviction and sentence imposed by the Trial Court and confirmed by the Appellant Court shall stand automatically restored. Failing which, the respondent is at liberty to secure the petitioner to undergo the remaining period of sentence in accordance with law.



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7. In the result, this Criminal Revision Case stands allowed.

18.03.2026

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

To

1.The Additional Sessions Judge,
Fast Track Mahila Court, Tiruvarur,

2.The Judicial Magistrate (FTC),
Thiruthuraipoondi, Tiruvarur



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G.K.ILANTHIRAIYAN, J.

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