



WEB COPY



Crl.RC.No.1647 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.04.2026

CORAM:

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

Crl.RC.No.1647 of 2022 and
Crl.MP.No.19627 of 2022

K.Pradeep

... Petitioner

Vs.

V.Ananthan

... Respondent

Prayer: Criminal Revision Case filed under Sections 397 & 401 of Cr.P.C. to set aside the judgment of concurrent conviction and sentence passed in CA.No.81 of 2018 dated 31.03.2022 by the learned Sessions Judge of Nilgiris at Udthagamandlam, confirming the judgment of conviction and sentence passed in STC.No.45 of 2016 dated 20.04.2018 on the file of the learned Fast Track Judicial Magistrate Court, Coonoor and acquit him.

For Petitioner : Mrs.Jayasri Baskar

For Respondent : Mr.C.Prabakaran

ORDER

This criminal revision case has been filed praying to set aside the judgment of conviction and sentence passed in CA.No.81 of 2018 dated 31.03.2022 by the learned Sessions Judge of Nilgiris at Udthagamandlam, confirming the judgment of conviction and sentence



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passed in STC.No.45 of 2016 dated 20.04.2018 on the file of the learned
Fast Track Judicial Magistrate Court, Coonoor.

2. The petitioner is the accused in the complaint lodged by the respondent on the allegation that the accused is doing share market business and he insisted the complainant to invest in that business. Thereafter, the complainant gave a sum of Rs.1,88,000/- to the accused and the accused also agreed to repay the amount with good returns. Even after repeated requests, the accused did not pay the returns. However, thereafter the accused issued a cheque for a sum of Rs.88,000/-. Though the cheque was presented for collection, it was returned dishonoured for the reason 'funds insufficient', pursuant to which the complainant caused legal notice, for which the accused neither replied nor repaid the money. Hence, the respondent lodged complaint and the same was taken cognizance by the trial court in STC.No.45 of 2016

3. On perusal of oral and documentary evidences, the trial court found the accused guilty for the offence under Section 138 of NI Act and he was convicted and sentenced to undergo six months simple imprisonment. He was also ordered to pay the cheque amount as compensation to the complainant. Aggrieved by the order of the trial



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court, the accused filed appeal. However, the same was dismissed, thereby the appellate court confirmed the judgment of the trial court. Against the above judgments, the accused has filed this criminal revision case.

4. When the matter is taken up for hearing today, the learned counsel for the petitioner requested that if the petitioner pays the entire cheque amount, the judgments of the courts below may be set aside.

5. Considering the above submission, this Court is inclined to set aside the impugned judgments on a condition. Accordingly, this criminal revision case is allowed and the judgment passed in CA.No.81 of 2018 dated 31.03.2022 by the learned Sessions Judge of Nilgiris at Udthagamandlam & the judgment passed in STC.No.45 of 2016 dated 20.04.2018 on the file of the learned Fast Track Judicial Magistrate Court, Coonoor, are set aside on condition that the petitioner shall pay the entire cheque amount directly to the respondent and produce the acknowledgment before the trial court on or before 08.06.2026, failing which the order of conviction and sentence imposed by the trial court, which was confirmed by the appellate court, shall stand restored forthwith, pursuant to which the respondent shall immediately take steps



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to secure the petitioner to serve the remaining period of sentence as imposed by the trial court and confirmed by the appellate court.

Consequently, connected miscellaneous petition is closed.

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Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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To
WEB COPY

- 1.The learned Sessions Judge of Nilgiris at Udhagamandlam
- 2.The learned Fast Track Judicial Magistrate Court, Coonoor



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G.K.ILANTHIRAIYAN, J.

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