



WEB COPY

CRL RC No.1660 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 05-01-2026**

CORAM

**THE HONOURABLE MR.JUSTICE SUNDER MOHAN**

**CRL RC No. 1660 of 2023**

1. K.Thangavel

Petitioner(s)

Vs

1. State Rep.By  
Public Prosecutor

2.Isaakimuthu

Respondent(s)

**PRAYER**

To set aside the Judgment made in Crl.A.No.55 of 2022 dated 26.04.2023 before the Honble I Additional District and Sessions Judge, Coimbatore and confirming the Learned Fast Track Judicial Magistrate No.II, coimbatore in CC.No.829 of 2017 dated 24.02.2020.

For Petitioner(s): M/s. T.Shanmugaboopathi

For R1 Mr.R.Vinothraja,  
Government Advocate (Crl.Side)

For R2 No Appearance



## **ORDER**

The Criminal Revision Case has been filed challenging the judgment dated 26.04.2023 passed in Crl.A.No.55 of 2022 by the learned I Additional District and Sessions Judge, Coimbatore, confirming the conviction and sentence imposed by the learned Fast Track Judicial Magistrate No.II, Coimbatore, in C.C.No.829 of 2017, dated 24.02.2020.

2. Heard learned counsel for the first respondent. There was no representation for the petitioner when the matter was called on 15.12.2025. Even today, there is no representation for the petitioner. Hence, this Court is inclined to decide the revision on merits.

3. Though notice has been served and the name is printed, none appeared for the second respondent.

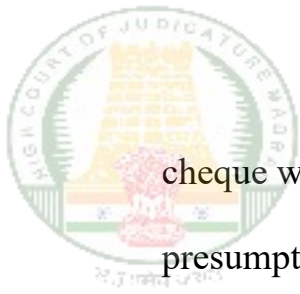
4. It is the case of the prosecution that the petitioner borrowed a sum of Rs.5,00,000/- from the defacto complainant as a hand loan and subsequently issued a cheque dated 04.01.2016 for a sum of Rs.5,00,000/-, which was returned with the endorsement "Funds Insufficient". Despite issuance of statutory notice, the petitioner did not honour the cheque amount. Hence, the case.



5. The petitioner/accused was convicted by the Trial Court and sentenced to undergo simple imprisonment for six months for the offence punishable under Section 138 of the Negotiable Instruments Act and to pay a sum of Rs.5,00,000/- as compensation to the complainant, in default to undergo a further period of three months simple imprisonment, which was confirmed by the learned Fast Track Judicial Magistrate No.II, Coimbatore, in C.C.No.829 of 2017, dated 24.02.2020. Aggrieved by the same, the petitioner/accused filed the present revision case.

6. The second respondent examined himself as P.W.1 and marked Ex.P1 to P4. The petitioner neither examined any witness nor marked any documents on his side. The Trial Court found that the second respondent had established that the cheque was issued for a legally enforceable debt and that the petitioner had not rebutted the statutory presumption under Section 139 of the Negotiable Instruments Act. The Appellate Court confirmed the said findings of the Trial Court.

7. This Court finds that the second respondent marked four documents on his side, namely, the cheque marked as Ex.P1, the cheque return memo marked as Ex.P2, the legal notice marked as Ex.P3, and the acknowledgement receipt marked as Ex.P4. The second respondent, therefore, had established that the



cheque was issued by the petitioner. The petitioner had not rebutted the statutory presumption under Section 139 of the Negotiable Instruments Act in any manner. Therefore, there is absolutely no infirmity in the judgments of the court below.

8. However, it is seen that the petitioner has filed a receipt stating that a sum of Rs.5,00,000/- was received by the respondent on 15.03.2020, after the judgment of conviction. However, it is not clear from the judgment of the Appellate Court as to whether the petitioner had brought to the notice of the Appellate Court the fact of his payment of the said sum of Rs.5,00,000/- to the respondent. The judgment of the Appellate Court was delivered later, on 26.04.2023. Hence, this Court, on the basis of the said receipt filed by the petitioner is unable to hold that the petitioner had discharged his liability.

9. In any case, this Court finds no infirmity in the judgments of the Courts below convicting the petitioner for the aforesaid offence, and hence, this Criminal Revision Case is dismissed.

**05-01-2026**

skr

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No



To

1. Learned I Additional District and Sessions Judge, Coimbatore,
2. Learned Fast Track Judicial Magistrate No.II, Coimbatore.



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**SUNDER MOHAN J.**  
skr

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