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Crl.R.C.No.1010 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.03.2026

CORAM:

THE HON'BLE Mr. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.R.C.No.1010 of 2021

1. M/s.Francis Switch Gear & Controls
Rep.by its Managing Partner
A.K.Sahayanathan

2. A.K.Sahayanathan

.... Petitioners

Vs

Dr.Venkata Baskaran

... Respondent

Prayer: Criminal Revision Petition is filed under Section 397 & 401 of Code of Criminal Procedure to call for the records and set aside the judgment of the appellate Court made in C.A.No.98 of 2020 dated 12.08.2021 on the file of the learned III Additional District and Sessions Judge, Erode at Gobichettipalayam Erode district in dismissing the Appeal filed by the appellant herein and confirming the conviction and sentence passed by the learned Judicial Magistrate No.I, Gobichettipalayam, Erode district by judgment made in S.T.C.No.458 of 2016 dated 11.09.2020 in convicting the 2nd petitioner herein for the offence under Section 138 of the Negotiable Instruments Act and sentencing him to undergo six months simple imprisonment and he is also directed to pay compensation payable to the respondent herein to the tune



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of Rs.5,00,000/- (Rupees Five Lakhs Only) which is due and payable upon the instrument under Section 357 Cr.P.C. to the complainant under Section 255 (2) Cr.P.C.

For Petitioners : Mr.S.Arivazhagan

For Respondent : Mr.K.S.Karthik Raja

ORDER

This Criminal Revision Petition has been filed challenging the judgment dated 12.08.2021 passed by the learned III Additional District and Sessions Judge, Erode, in C.A.No.98 of 2020, confirming the conviction and sentence passed by the learned Judicial Magistrate No.I, Gobichettipalayam, Erode by judgment dated 11.09.2020, made in S.T.C.No.458 of 2016, thereby convicting the petitioner for the offence punishable under Section 138 of the Negotiable Instruments Act, (hereinafter referred to as “the NI Act)

2. The respondent lodged a complaint against the 2nd petitioner for the offence punishable under Section 138 of the Negotiable Instruments Act alleging that the 2nd petitioner who is the managing partner of the 1st petitioner firm borrowed a sum of Rs.5,00,000/- on 17.06.2014 from the complainant. In order to repay the said amount, the 2nd petitioner



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issued two post dated cheques on behalf of the 1st petitioner and the same were presented for collection. However, the said cheques were returned dishonoured for the reason “Account closed”. 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 Ex.P.1 to Ex.P.10. On the side of the petitioner, the petitioner examined D.W.1 and marked documents in Ex.D1 to Ex.D4. On perusal of the oral and documentary evidence, the Trial Court found the 2nd petitioner guilty of the offence under Section 138 of the Negotiable Instruments Act and sentenced him to undergo six months simple imprisonment and also directed him to pay the cheque amount of Rs.5,00,000/- as compensation to the respondent. Aggrieved by the same, the petitioner preferred an appeal and the same was also dismissed and the order of conviction and sentence imposed by the Trial Court was confirmed. Hence, the present revision case has been filed.

4. The learned counsel appearing for the petitioner submitted that the 2nd petitioner has paid the total cheque amount of Rs.5,00,000/-, and the same has been duly received by the respondent. Hence, he prayed



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to compound the offence by allowing this revision.

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5. The learned counsel appearing for the respondent also submitted that the entire cheque amount of Rs.5,00,000/- has been paid by the 2nd petitioner and that he has no objection in setting aside the order of conviction and sentence imposed by the Trial Court which was further confirmed by the Appellate Court.

6. In view of the above said submission, this Court is inclined to set aside the order of conviction and sentence imposed by the Trial Court and which was confirmed by the Appellate Court by compounding the offence.

7. Accordingly, the judgement dated 12.08.2021 passed by the learned III Additional District and Sessions Judge, Erode, in C.A.No.98 of 2020, and the judgment dated 11.09.2020, passed by the learned Judicial Magistrate No.I, Gobichettipalayam, Erode in S.T.C.No.458 of 2016, are hereby set aside. The petitioner is acquitted of all charges in S.T.C.No.458 of 2016, on the file of the learned Judicial Magistrate No.I, Gobichettipalayam, Erode, for the offence punishable under Section 138 of the NI Act. Fine amount, if any paid, shall be refunded to the petitioner



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forthwith. Bail bonds, if any executed, shall stand cancelled.

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8. Accordingly, the Criminal Revision Case stands allowed.

24.03.2026

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

dpq

To

1.The III Additional District
and Sessions Judge, Erode
at Gobichettipalayam Erode district

2. The learned Judicial Magistrate No.I,
Gobichettipalayam, Erode district



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G.K.ILANTHIRAIYAN, J.

dpq

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