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CRL RC No. 969 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-04-2026

CORAM

THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

Crl.R.C.No.969 of 2021

R.Balakrishnan

..Petitioner

Vs

Sri Gokulam Chit And Finance Company Ltd.,
Represented by Power of Attorney
S.Sasikumar,
A.V.Complex, South Car Street,
Tiruchengode Town and Taluk,
Namakkal District.

..Respondent

PRAYER: Criminal Revision Case is filed under Sections 397 and 401 of Code of Criminal Procedure to call for the records and set aside the judgment of conviction and sentence dated 27.11.2020, made in S.T.C.No.301 of 2018, passed by Judicial Magistrate (Fast Track Court) Tiruchengode, confirmed by the Principal District and Sessions Court, Namakkal, by its judgment dated 11.03.2021 made in C.A.No.83 of 2020.

For Petitioner:

Mr.C.Prakasam

For Respondent:

No appearance



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ORDER

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This Criminal Revision Case has been filed against the Judgment dated 11.03.2021 passed in C.A.No.83 of 2020 on the file of the Principal District and Sessions Court, Namakkal, thereby confirming the order of conviction and sentence imposed in S.T.C.No.301 of 2018, dated 27.11.2020, on the file of the Judicial Magistrate (Fast Track Court), Tiruchengode, for the offence punishable under Section 138 of the Negotiable Instruments Act.

2. The petitioner is the accused in the complaint lodged by the respondent for the offence punishable under Section 138 of the Negotiable Instruments Act. The case of the respondent is that the accused was a subscriber in a chit scheme conducted by him and had become a prized subscriber, agreeing to pay a sum of Rs.1,25,000/- per month for a period of twenty months. Accordingly, the accused received the prized amount but failed to pay the subsequent installments, resulting in an outstanding amount of Rs.17,45,000/-. In order to discharge the said legally enforceable debt, the accused issued a cheque. When the said cheque was presented for collection, the same was returned dishonoured with the endorsement "Funds Insufficient". After causing a statutory notice, the respondent initiated proceedings under Section 138 of the Negotiable Instruments Act and the same has been taken cognizance by the Trial Court.



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

4. On perusal of the oral and documentary evidence, the Trial Court found the accused guilty of the offence punishable under Section 138 of the Negotiable Instruments Act and sentenced him to undergo simple imprisonment for a period of one year and also awarded compensation to the cheque amount. Aggrieved by the same, the accused preferred an appeal. However, the Appellate Court dismissed the appeal and confirmed the order of conviction and sentence imposed by the Trial Court. Hence, the present Criminal Revision Case has been filed.

5. The learned counsel appearing for the petitioner/accused submitted that while pending revision, the entire cheque amount has been settled by the petitioner directly to the respondent. He further submitted that the respondent has no objection to set aside the order of conviction and sentence imposed by the Trial Court and confirmed by the Appellate Court.



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6. In view of the above, the Judgment dated 11.03.2021 passed in C.A.No.83 of 2020 on the file of the Principal District and Sessions Court, Namakkal, confirming the order of conviction and sentence imposed in S.T.C.No.301 of 2018 dated 27.11.2020 on the file of the Judicial Magistrate (Fast Track Court), Tiruchengode, is hereby set aside. Accordingly, this Criminal Revision Case stands allowed.

21-04-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

LPP

To

1.The Principal District and Sessions Court, Namakkal.

2.The Judicial Magistrate (Fast Track Court) Tiruchengode.



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G.K.ILANTHIRAIYAN J.

LPP

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