



WEB COPY



Crl.R.C.No.1540 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.04.2026

CORAM:

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

Crl.R.C.No.1540 of 2023

Kalaivanan

..... Petitioner

Vs

Pugazharasan

..... Respondent

PRAYER: Criminal Revision Case is filed under Sections 397 r/w 401 of Code of Criminal Procedure, to set aside the order dated 27.07.2023 made in C.A.No.85 of 2022 dated 27.07.2023 passed by the Principal District and Sessions Judge of Kancheepuram District at Chengalpattu which confirms the order passed in the C.C.No.90 of 2018 dated 17.10.2022 passed by the District Munsif cum Judicial Magistrate Court, Thirukkalukundram and acquit the petitioner.

For Petitioner : Mr.R.Sasi Kumar

For Respondent : M/s.Dipthi Munoth

ORDER

This Criminal Revision Case has been filed challenging the Judgment dated 27.07.2023 passed in C.A.No.85 of 2022 on the file of the Principal District and Sessions Judge, Kancheepuram District at Chengalpattu, thereby confirming the order of conviction and sentence passed in C.C.No.90 of 2018 dated 17.10.2022 on the file of the District Munsif cum Judicial



Crl.R.C.No.1540 of 2023

Magistrate, Thirukkalukundram, 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 petitioner borrowed a sum of Rs.7,00,000/- during the third week of January 2017 for his urgent needs and assured to repay the said loan within two months. On demand, the petitioner issued a cheque for the said amount and the same was presented for collection. However, the said cheque was returned dishonoured with the endorsement “Payment Stopped by the Drawer”. After causing a statutory notice, the respondent initiated proceedings under Section 138 of the Negotiable Instruments Act.

3. On the side of the respondent/complainant, P.W.1 was examined and Exs.P1 to P6 were marked. On the side of the petitioner/accused, no witnesses were examined and no documents were marked.

4. Considering 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



Crl.R.C.No.1540 of 2023

for a period of one year and also awarded compensation to the cheque amount.

Aggrieved by the same, the accused preferred an appeal and the same was also dismissed, thereby confirming the conviction and sentence imposed by the Trial Court. Aggrieved by the same, the present Criminal Revision Case has been filed.

5. The learned counsel appearing for the petitioner submitted that the petitioner has already paid a sum of Rs.3,50,000/- and is ready and willing to settle the remaining cheque amount within a period of two months.

6. The learned counsel appearing for the respondent submitted that the respondent is also willing to receive the cheque amount and settle the issue. Further, he has no objection to set aside the order of conviction and sentence imposed by the Trial Court, as confirmed by the Appellate Court.

7. Heard the learned counsel appearing on either side and perused the materials available on record.

8. Considering the submissions made by the learned counsel on either side, Judgment dated 27.07.2023 passed in C.A.No.85 of 2022 by the Principal District and Sessions Judge, Kancheepuram District at Chengalpattu,



Crl.R.C.No.1540 of 2023

confirming the order of conviction and sentence passed in C.C.No.90 of 2018 dated 17.10.2022 on the file of the District Munsif cum Judicial Magistrate, Thirukkalukundram, is hereby set aside, on condition that the petitioner shall pay the remaining cheque amount to the respondent on or before 25.05.2026. Failing which, the order passed by this Court shall stand automatically cancelled and the conviction and sentence imposed on the petitioner by the Trial Court and confirmed by the Appellate Court shall stand automatically restored. The respondent is at liberty to take appropriate steps to comply with the conviction and sentence imposed against the petitioner in the manner known to law.

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

16.04.2026

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

To

1. The Principal District and Sessions Judge,
Kancheepuram District at Chengalpattu.

2. The District Munsif cum Judicial Magistrate,
Thirukkalukundram.



WEB COPY



Crl.R.C.No.1540 of 2023

G.K.ILANTHIRAIYAN, J.

Lpp

Crl.R.C.No.1540 of 2023

16.04.2026