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CrI.R.C.No.839 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.02.2026

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

CrI.R.C.No.839 of 2024

K.Devan

...Petitioner

Vs.

Chakkaravarthi

...Respondent

Prayer: Criminal Revision Petition filed under Section 397 and 401 of Cr.P.C., to set aside the judgment dated 14.02.2020 passed in C.A.No.117 of 2018 by the learned III Additional Sessions Judge, Vellore @ Tirupattur confirming the conviction and sentence imposed by judgment dated 18.07.2018 in S.T.C. No. 160 of 2017 by the learned Judicial Magistrate No.1, Tirupattur, Vellore District.

For Petitioner : No appearance

For Respondent : Ms. E. Angayarkanni

ORDER

The revision challenges the judgment dated 14.02.2020 passed in C.A.No.117 of 2018 by the learned III Additional Sessions Judge, Vellore @ Tirupattur, confirming the judgment dated 18.07.2018 of the learned Magistrate convicting the petitioner for the offence under Section 138 of

1/6



Crl.R.C.No.839 of 2024

Negotiable Instruments Act and sentencing him to undergo simple imprisonment for a period of one year and to pay compensation of Rs.3,00,000/- carrying a default sentence of simple imprisonment for three months.

2. It is the case of the respondent that the petitioner had issued a cheque on 28.11.2016 for Rs. 3 lakhs in discharge of his liability to the respondent; that the respondent presented the cheque for collection on 11.01.2017; that on 13.01.2017, the said cheque was returned for the reason 'Insufficient Funds'; that on 25.01.2017, the respondent issued the statutory notice; that on 30.01.2017, the petitioner received the same and sent a reply notice with false averments without paying the cheque amount and thus committed the aforesaid offence.

3. Before the Trial Court, the respondent had examined himself as P.W.1 and marked Exs.P1 to P5. The petitioner neither examined any witness nor marked any document on his side. The Trial Court found that the respondent had established that the cheque was issued for a legally enforceable debt/liability; the petitioner had not rebutted the statutory presumption and thus, the petitioner is guilty of the offence under Section 138 of Negotiable Instruments Act and sentenced him as stated above.



Crl.R.C.No.839 of 2024

The Appellate Court also confirmed the conviction and sentence imposed by the Trial Court.

4. On 02.02.2026, learned counsel for the petitioner submitted that he had handed over the papers to the petitioner and that the petitioner has not engaged any other counsel. Hence, this Court is inclined to decide the case on merits.

5. The learned counsel for the respondent submitted that the petitioner is adopting dilatory tactics; that though the petitioner had deposited Rs.1,50,000/- as directed by this Court and the respondent had withdrawn the said amount, the petitioner had failed to deposit the balance sum of Rs.1,50,000/-. The learned counsel for the respondent would further submit that the respondent has established that the cheque was issued for a legally enforceable debt; that the petitioner has not rebutted the statutory presumption and therefore, the impugned judgments are justified and there is no reason to interfere with the same.

6. As stated above, the respondent examined himself as P.W.1; Ex.P1 is the said cheque; Ex.P2 is the return memo; Ex.P3 is the statutory notice; Ex.P4 is the acknowledgment card and Ex.P5 is the reply notice



Crl.R.C.No.839 of 2024

sent by the petitioner. The respondent has established that the cheque was issued by the petitioner and in spite of statutory notice, the petitioner has not made any payment. Both the Courts below found that the respondent has proved the foundational facts to invoke Sections 139 and 118 of Negotiable Instruments Act.

7. The defence taken by the petitioner is that the cheque was obtained by the respondent under coercion at the Police Station. This suggestion put to the respondent has been denied. Further, the Trial Court found that the petitioner had taken another stand that he had misplaced the cheque and that these two suggestions are contrary to each other. Besides taking contrary stands, the petitioner had not adduced any evidence on his side to render the case of the respondent improbable. Both the Courts below therefore concurrently held that the petitioner had not rebutted the statutory presumption.

8. Therefore, this Court finds that the judgment of the Trial Court, as confirmed by the Appellate Court, does not suffer from any perversity warranting interference from this Court.



CrI.R.C.No.839 of 2024

9. However, it is seen that admittedly, the petitioner had deposited a sum of Rs.1,50,000/- which has been withdrawn by the respondent.

Hence, this Court is inclined to reduce the sentence imposed by the Courts below. Accordingly, the petitioner is sentenced to undergo simple imprisonment for three months and to pay compensation of Rs.2,00,000/- [Rupees Two Lakhs Only], in default of which, he shall suffer simple imprisonment for three months.

10. The Criminal Revision Case is ordered, accordingly.

09.02.2026

Index : Yes/No
Speaking order : Yes/No
Neutral Citation : Yes/No
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To

- 1.The III Additional Sessions Judge, Vellore @ Tirupattur.
- 2.The Judicial Magistrate No.1, Tirupattur, Vellore District.



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CrI.R.C.No.839 of 2024

SUNDER MOHAN.J.,

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CrI.R.C.No.839 of 2024

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