



WEB COPY



Crl.RC.No.1090 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.03.2026

CORAM:

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

Crl.RC.No.1090 of 2021

M/s.Maxwell Constructions
Rep. By its Proprietor J.Victor,
D.No.U-27, Infant Jesus Church Road,
Kovaiputhur, Coimbatore.

... Petitioner

Vs.

M/s.P.P.S. Steels (India) Pvt. Ltd.,
Rep. By its Marketing Director S.Hakkim,
Door No.249, Palakkad Main Road,
Kuniamuthur, Coimbatore – 641 008.

... Respondent

Prayer: Criminal Revision Petition filed under Sections 397 and 401 Cr.P.C. to call for the records and set aside the order dated 01.06.2018 in C.C.No.1 of 2013 on the file of the learned Judicial Magistrate, Fast Track Court at Magistrate Level-II, Coimbatore and dismissed the appeal, order dated 08.11.2021 passed in C.A.No.269 of 2018 on the file of the learned III Additional District and Sessions Judge, Coimbatore.

For Petitioner : Mr.A.Tamilarasan

For Respondent : Ms.R.Bhuvana
for Mr.S.Haja Mohideen Gisthi

ORDER

This criminal revision case has been filed praying to set



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aside the order dated 01.06.2018 passed in C.C.No.1 of 2013 on the file of the learned Judicial Magistrate, Fast Track Court at Magistrate Level-II, Coimbatore and the order dated 08.11.2021 passed in C.A.No.269 of 2018 on the file of the learned III Additional District and Sessions Judge, Coimbatore.

2. The petitioner is the accused in the complaint lodged by the respondent for the offences punishable under Section 138 of NI Act alleging that the respondent is engaged in the business of iron rods and other incidental business. While being so, the petitioner approached the respondent for supply of TMT iron rod and the respondent supplied the iron rods under invoice No.45 dated 07.05.2012 for a sum of Rs.3,55,660/-. The goods were also supplied and the same was duly received by the petitioner. However, thereafter the petitioner failed to repay the cost of the iron rod. After repeated demands made by the respondent, in order to discharge the liability, the petitioner issued cheque for a sum of Rs.3,44,660/- and the same was presented for collection. However, it was returned dishonoured for the reason 'funds insufficient'. After causing statutory notice, the respondent lodged complaint.



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3. In order to prove the charge, the respondent had examined PW1 and marked Ex.D1 to Ex.D7. On the side of the accused, no one was examined and no documents were marked to rebut the presumption. On perusal of oral and documentary evidence, the trial court found the petitioner guilty for the offence punishable under Section 138 of NI Act and sentenced him to undergo one year simple imprisonment and to pay twice the cheque amount as compensation. Aggrieved by the same, the petitioner preferred appeal and the same was also dismissed confirming the order of conviction and sentence imposed by the trial court. Hence, the present revision case has been filed.

4. The learned counsel appearing for the petitioner would submit that there is no instruction from the petitioner and the counsel who referred the matter also died.

5. The leaned counsel appearing for the respondent submits that while suspending the sentence in Crl.MP.Nos.14008 and 14010 of 2021, this Court directed the petitioner to deposit 50% of the cheque amount i.e. Rs.1,72,330/- It was duly complied with. Thereafter, by order dated 10.03.2025, this Court recorded the willingness of the petitioner that he was ready and willing to deposit the balance amount and this



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Court directed the petitioner to deposit the balance 50% of the cheque amount i.e. Rs.1,72,330/- within a period of two weeks. However, so far the petitioner did not comply with the order passed by this Court.

6. That apart, on perusal of records, it is revealed that after receipt of statutory notice, the petitioner did not send any reply notice rebutting the initial presumption. On the other hand, the respondent had discharged his initial burden as contemplated under Section 138 of NI Act. Further, the petitioner did not deny the signature and also issuance of cheque. Therefore, the trial court rightly convicted the petitioner and the same was rightly confirmed by the appellate court.

7. In view of the above, this Court finds no infirmity or illegality in the orders passed by the courts below to interfere with. Therefore, this criminal revision case is dismissed. However, if the petitioner deposits the remaining 50% of the cheque amount i.e. Rs.1,72,330/- within a period of four weeks from the date of receipt of this order, the impugned judgments shall stand set aside and the petitioner shall stand acquitted, failing which the respondent shall be at liberty to immediately take steps to secure the petitioner to serve the remaining period of sentence. Further, the respondent is permitted to withdraw the



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amount which was already deposited by the petitioner in accordance with law. In the event of depositing the remaining 50% of the cheque amount by the petitioner, the respondent is permitted to withdraw the entire amount.

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Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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G.K.ILANTHIRAIYAN, J.

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To

- 1.The learned Judicial Magistrate, Fast Track Court at
Magistrate Level-II, Coimbatore
- 2.The learned III Additional District and Sessions Judge, Coimbatore.

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