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Crl.R.C.No.1083 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2026

CORAM:

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

Crl.R.C.No.1083 of 2021

Mr.K.Senthamarai Kannan

...Petitioner/Appellant/Accused

Vs

N. Jayasudha

.... Respondent

PRAYER: Criminal Revision case is filed under Sections 397 and 501 of Cr.P.C to call for the records relating to the Judgment made in Criminal Appeal in C.A.No.436 of 2019 on the file of the XVII Additional District Judge, Chennai dated 18.01.2021 in the nature of confirming the punishment of simple imprisonment of two months for the offence punishable under section 138 of the Negotiable Instruments Act made in C.C.No.5383 of 2017 on the file of the Metropolitan Magistrate Fast Track Court No.II at Allikulam, Chennai dated 02.12.2019 and set aside the same.

For Petitioner : Mr. K. Venkateswaran for
Mr. K.Manikandan

For Respondent : Mr. D. Arul Prasad

ORDER

This Criminal Revision case is filed against the Judgment made in Criminal Appeal in C.A.No.436 of 2019 on the file of the XVII

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Additional District Judge, Chennai dated 18.01.2021 confirming the order of conviction and sentence imposed by the Trial Court in C.C.No.5383 of 2017 on the file of the Metropolitan Magistrate Fast Track Court No.II at Allikulam, Chennai on 02.12.2019.

2. The petitioner is an accused in the complaint lodged by the respondent for the offence punishable under section 138 of the Negotiable Instruments Act alleging that the petitioner had borrowed a sum of Rs.44,89,285/- for his business purpose and agreed to repay the said amount with interest at the rate of 2.5 % per annum. The petitioner had issued 5 post dated cheques and the same was presented for payment 3 cheques were dishonored for the reason that as payment stopped by the drawer. After causing statutory notice the respondent lodged a complaint and the same was taken cognizance by the Trial Court.

3. .In order to prove the complaint on the side of the respondent herein P.W.1 was examined and marked Ex.P.1 to P.15 . On the side of the appellant herein only one witness was examined and no documents were marked.



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4. On a perusal of the oral and documentary evidence the Trial Court found the respondent was found guilty under section 138 of the Negotiable Instruments Act, 1881 and convicted and sentenced to undergo simple imprisonment for a period of one year and to pay the cheque amount as compensation to the complainant within one month and in default to undergo simple imprisonment for 3 months u/2 357 of Cr.P.C r/w Section 138 of Negotiable Instruments Act, 1881. Challenging the same the petitioner has filed the present revision.

5. The learned counsel for the petitioner submitted that while pending Criminal revision the petitioner had settled the entire amount to the satisfaction of the respondent as per the terms of agreement arrived before the Mediation Centre and the amount was received by the respondent and he has also acknowledged the same. Hence, prays to allow this revision.

6. The learned counsel for the respondent submits that the respondent has no objection to set aside the order passed by the Trial Court against the petitioner.

7. Heard both sides and perused the materials available on record.



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8. Since, the entire cheque amount has been settled in favour of the respondent the order passed by the Judgment made in Criminal Appeal in C.A.No.436 of 2019 on the file of the XVII Additional District Judge, Chennai dated 18.01.2021 confirming the order passed in C.C.No.5383 of 2017 on the file of the Metropolitan Magistrate Fast Track Court No.II at Allikulam, Chennai on 02.12.2019 is hereby set aside. Accordingly this Criminal Revision case is allowed.

24.03.2026

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

- 1.The XVII Additional District Judge, Chennai.
2. The Metropolitan Magistrate Fast Track Court No.II at Allikulam, Chennai
- 3.The Public Prosecutor,
Madras High Court, Chennai.



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G.K.ILANTHIRAIYAN, J.

smn

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