



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-03-2026

CORAM

THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

CRL RC No. 1657 of 2023

A.R.Ayyappan
S/o. Ramankutty,
Shop No.28,
M.G.R.Market,
Mettupalayam Road,
Coimbatore - 641 043.

..Petitioner

Vs

1. M.Ramsankar
S/o. A. Murugesan,
No.58/8A, School Street,
Edayarpalayam,
Coimbatore - 641 025.

2. The State Rep.by its
Public Prosecutor

..Respondents

Prayer : Criminal Original Petition is filed to set aside the judgment dated 15.03.2019 passed by the Judicial Magistrate, Fast Track Court No.II @ Magistrate Level at Coimbatore in C.C.No.478 of 2014 and confirmed by the IV Additional District and Sessions Judge at Coimbatore in C.A.No.142 of 2019.

For Petitioner:

Mr. R.Lakshmi Narasimhan

For Respondents:

Mr.S.Jabeen For R1

Mr.L.Baskaran

Government Advocate (Crl.Side) for R2



ORDER

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This Criminal Revision Case has been preferred as against the Judgment dated 11.08.2023 passed in C.A.No.142 of 2019 on the file of the IV Additional District and Sessions Judge, Coimbatore, thereby confirming the order dated 15.03.2019 passed in C.C.No.478 of 2014 on the file of the Judicial Magistrate, Fast Track Court No.II @ Magistrate Level, Coimbatore, 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 alleging that the petitioner and the first respondent were well acquainted with each other for the past five years. The petitioner, who was running a shop, borrowed a sum of Rs.1,90,000/- from the respondent for the purpose of developing his business and agreed to repay the same with interest at the rate of 18% per annum. In order to repay the said amount, the petitioner issued a cheque for a sum of Rs.1,90,000/-. When the said cheque was presented for collection, the same was returned dishonoured with an endorsement "Funds Insufficient". After causing a statutory notice, the respondent lodged a complaint.



3. In order to prove the case, the respondent had examined P.W.1 and marked Exs.P1 to P5. On the side of the accused, he had examined D.W.1 and D.W.2 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 six months simple imprisonment and also awarded compensation of Rs.1,90,000/-, i.e., being the cheque amount. Aggrieved by the same, the petitioner preferred an appeal and the same was dismissed and confirming the order passed by the Trial Court. Hence, the present revision.

5. The learned counsel appearing for the petitioner submitted that, as directed by this Court, the petitioner has deposited the entire cheque amount to the credit of C.C.No.478 of 2014 on the file of the Judicial Magistrate, Fast Track Court No.II @ Magistrate Level, Coimbatore. It is further submitted that the petitioner has no objection to the respondent to withdraw the entire cheque amount which was already deposited by him before the Trial Court. It is also made clear that the Trial Court is directed to permit the respondent to withdraw the amount which was deposited by the petitioner, without ordering notice to the petitioner.



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

05-03-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

LPP

To

1.The IV Additional District and Sessions Judge,
Coimbatore.

2. The Judicial Magistrate,
Fast Track Court No.II @ Magistrate Level,
Coimbatore.

3.The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN J.

LPP

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