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CRL RC No. 2128 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-03-2026

CORAM

THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

CRL RC No. 2128 of 2023

Manoharan
S/o. Ramakrishnan,
No.539,Kattabomman Street,
IOB Nagar, SIPCOT,
Ranipet District.

..Petitioner

Vs

Babu
S/o. Nagarathinam,
No.434/3, Thiruvallar Street,
Maniyampattu Main Road,
Ranipet District.

..Respondent

Prayer :Criminal Revision Case filed under Section 397 read with 401 of the Code of Criminal Procedure, to call for records culminating in the Judgment of conviction passed in C.C.No.61 of 2017 by the District Munsif Cum Judicial Magistrate, Ranipet and the Judgement confirming the conviction in Crl.A.No.28 of 2023 and set aside the same.

For Petitioner:

Mr.Akkilesh

For Respondent:

Mr.S.Suresh



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ORDER

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This Criminal Revision Case has been filed as against the Judgment dated 29.08.2023 passed in C.A.No.28 of 2023 on the file of the II Additional District and Sessions Judge, Vellore @ Ranipet, thereby confirming the order of conviction and sentence imposed on 30.12.2022 in C.C.No.61 of 2017 on the file of the District Munsif cum Judicial Magistrate, Ranipet, 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 accused borrowed a sum of Rs.17,00,000/- for his urgent needs and executed a promissory note to that effect. The accused also agreed to repay the said amount with interest at the rate of 24% per annum. In order to repay the said amount, the accused issued a cheque. When the said cheque was presented for collection and the same was returned dishonoured with an endorsement "Funds Insufficient". After causing a statutory notice, the respondent lodged a complaint and the same has been taken cognizance by the Trial Court.



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3. In order to prove the complaint, the respondent had examined P.W.1 and marked Exs.P1 to P5. On the side of the accused, no witnesses were examined and no documents were marked to disprove the complaint.

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. Aggrieved by the same, the petitioner preferred an appeal. However, the Appellate Court dismissed the appeal and confirmed the order passed by the Trial Court. Hence, the present Criminal Revision Case has been filed.

5. The learned counsel appearing for the petitioner submitted that the accused never borrowed any loan amount as alleged by the respondent. No prudent person would lend such a huge amount by way of cash without any security document. In fact, after causing the statutory notice, the respondent had sent rowdy elements to collect the money from the accused. In this regard, the accused had lodged a complaint on 21.03.2015. Therefore, the accused



categorically rebutted the presumption and even then the Trial Court and the Appellate Court convicted the accused.

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

7. On perusal of the oral and documentary evidence and also the submissions made by the learned counsel appearing for the respondent, reveals that the petitioner had borrowed a sum of Rs.17,00,000/- and executed a promissory note, which was marked as Ex.P1. The accused did not deny the signature found in the cheque and also issuance of the cheque. Therefore, the respondent had discharged the initial burden as contemplated under Section 139 of the Negotiable Instruments Act. Though the said presumption is rebuttable in nature, the accused failed to rebut the same. Whatever the defence taken by the accused before this Court in order to substantiate the same, the accused did not even send a reply to the statutory notice and did not let in any oral and documentary evidence before the Trial Court. Though the accused produced a copy of the complaint before this Court, the same was not marked before the Trial Court. Even assuming that the accused lodged a complaint subsequent to



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the statutory notice issued on 14.11.2014. After a period of nearly above four months, the accused lodged a complaint in order to escape from the clutches of law. In fact, even prior to the lodgment of the complaint, the respondent initiated the proceedings under Section 138 of the Negotiable Instruments Act. Therefore, both the Courts below rightly convicted the accused.

8. In view of the above, this Court finds no infirmity or illegality in the Judgment dated 29.08.2023 passed in C.A.No.28 of 2023 on the file of the II Additional District and Sessions Judge, Vellore @ Ranipet, confirming the order of conviction and sentence imposed on 30.12.2022 in C.C.No.61 of 2017 on the file of the District Munsif cum Judicial Magistrate, Ranipet. Accordingly, this Criminal Revision Case stands dismissed.

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

LPP



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To

1. The II Additional District and Sessions Judge,
Vellore @ Ranipet.

2. The District Munsif-cum-Judicial Magistrate,
Ranipet.



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G.K.ILANTHIRAIYAN J.

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