



WEB COPY



Crl.R.C.No.1868 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.01.2026

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.R.C.No.1868 of 2025

and

Crl.M.P.No.18268 of 2025

M/s.MMM Agencies
Rep.by its Proprietor V.Selvaraj
No.14, Mugalivakkam Main Road
Mugalivakkam, Porur, Chennai 600 116.
Presently residing at:
No.43, Eswaran Koil Street
1st Street, Porur, Chennai 600 116.

...Petitioner

Vs.

Arasalingam
W/o. Annadurai,
No.10/9, Vatta Vadiva Nagar,
Anna Nagar West,
Chennai – 600 040.

...Respondent

Prayer: Criminal Revision Petition filed under Section 438 r/w 442 of BNSS,

to set aside the judgment dated 02.07.2025, passed in Crl.A.No.749 of 2023, by

the learned Principal Sessions Judge, Chennai, confirming the judgment dated

1/6



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13.10.2023 passed in C.C.No.7982 of 2018 by the learned Metropolitan Magistrate FTC-1, Egmore @ Allikulam, Chennai.

For Petitioner :: No appearance

ORDER

The revision challenges the judgment dated 02.07.2025 passed in Crl.A.No.749 of 2023 by the learned Principal Sessions Judge, Chennai, confirming the judgment dated 13.10.2023 passed in C.C.No.7982 of 2018 by the learned Metropolitan Magistrate FTC-1, Egmore @ Allikulam, Chennai by which the learned Magistrate convicted the petitioner for the offence under Section 138 of Negotiable Instruments Act and sentenced him to undergo 2 years simple imprisonment and to pay fine equivalent to double the cheque amount carrying a default sentence of simple imprisonment for 6 months.

2. When the revision came up for admission, this Court had suspended the sentence imposed on the petitioner on condition that the petitioner deposits a sum of Rs.25,000/- within a period of 2 weeks by order dated 24.11.2025. On 17.12.2025, this Court extended the time to make the deposit by two weeks. When the matter was listed on 05.01.2026 for reporting compliance, there was no representation for the petitioner. Even today, there is no representation for the petitioner. Hence, this Court is inclined to take up the revision on merits.



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3. The gist of the case against the petitioner is that he had issued a cheque bearing No. 960405 for a sum of Rs.25,000/- drawn on Indian Overseas Bank, Mugalivakkam branch dated 14.08.2016 towards discharge of his liability to the respondent; that the said cheque, when presented for collection, was returned with the endorsement 'Funds Insufficient'; that in spite of statutory notice, the petitioner did not make the payment and thus committed the aforesaid offence.

4. Before the Trial Court, the respondent 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.

5. The Trial Court found that the respondent had established that the cheque was issued for a legally enforceable debt and the petitioner had not rebutted the statutory presumption. Hence, the petitioner was convicted and sentenced as aforesaid. The Appellate Court had also confirmed the said conviction and sentence imposed by the Trial Court.

6. It is seen from the grounds of revision that it is the case of the petitioner that he had not issued any cheque; that the respondent's evidence



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cannot be believed as he had made contrary statements in the complaint and in his deposition and therefore, the impugned judgment is liable to be set aside.

7. It is seen from the judgment of the Court below that though the petitioner's counsel had cross-examined the respondent elaborately, nothing has been elicited in the evidence to disbelieve the respondent. The petitioner was unable to explain as to how the respondent came in possession of the said cheque. Apart from general suggestions put to the respondent as stated above, the petitioner has not rebutted the statutory presumption. Both the Trial Court and the Appellate Court have considered the evidence in proper perspective and found that the petitioner is guilty of the offence under Section 138 of Negotiable Instruments Act. Thus, this Court finds no infirmity in the findings of the Court below.

8. It is seen that the Trial Court has sentenced the petitioner to undergo simple imprisonment for a period of two years and to pay a fine equivalent to double the cheque amount.

9. Considering the facts and circumstances of the case, this Court is of the view that the said punishment is excessive and is inclined to reduce the



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punishment from two years simple imprisonment to one year simple imprisonment together with fine equivalent to double the cheque amount.

10. With the above modification in the sentence imposed, the revision is dismissed. Connected criminal miscellaneous petition is closed.

07.01.2026

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

To

- 1.The Principal Sessions Judge, Chennai.
- 2.The Metropolitan Magistrate,
FTC-1, Egmore @ Allikulam,
Chennai.



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SUNDER MOHAN.J.,

nv

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