



Crl.R.C(MD)No.1433 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **19.02.2026**

CORAM

THE HONOURABLE **MR.JUSTICE MOHAMMED SHAFFIQ**

CRL.R.C.(MD)No.1433 of 2023

S.Ramar

... Petitioner

vs.

V.S.Shanthi

... Respondent

PRAYER: Criminal Revision Petition is filed under Section 397 r/w 401 of Cr.P.C, to call for the records relating to the conviction and sentence passed in C.C.No.224 of 2018 on the file of Judicial Magistrate, Aruppukottai, dated 30.12.2022, confirmed by Additional District and Sessions Judge, Virudhunagar in Crl.A.No.14 of 2023, dated 15.11.2023 and set aside the same and consequently allow the present Criminal Revision Case.

For Petitioner : Mr.J.Anandkumar

For Respondent : Mr.P.Ganapathi Subramanian

ORDER

Heard Mr.J.Anandkumar, learned Counsel for Revision Petitioner and Mr.P.Ganapathi Subramanian, learned Counsel for Respondent.



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2. This Criminal Revision Case has been filed challenging the order of conviction passed by Judicial Magistrate, Aruppukottai in C.C.No.224 of 2018 dated 30.12.2022 for offence under Section 138 of Negotiable Instruments Act, which was confirmed by Additional District and Sessions Judge, Virudhunagar in Crl.A.No.14 of 2023, dated 15.11.2023.

3. Mr.J.Anandkumar, learned Counsel for Revision Petitioner would submit that Petitioner was convicted by Judicial Magistrate, Aruppukottai in C.C.No.224 of 2018 for offence under Section 138 of NI Act and sentenced to undergo Simple Imprisonment for six months and to pay Rs.10,00,000/- towards compensation to Respondent, in default, to undergo Simple Imprisonment for two months.

3.1. Aggrieved, Petitioner filed criminal appeal in Crl.A.No.14 of 2023 before Additional District and Sessions Judge, Virudhunagar and the lower Appellate Court, by the judgment dated 15.11.2023 confirmed the judgment passed by Trial Court.



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4. Learned Counsel for Petitioner would submit that out of Rs.10,00,000/-, Petitioner paid 20% of the cheque amount ie., Rs.2,00,000/- before Appellate Court and thereafter as per the order of this Court while granting suspension of sentence, has paid Rs.3,00,000/-. Thus, Petitioner deposited Rs.5,00,000/- to the credit of C.C.No.224 of 2018 on the file of Judicial Magistrate, Aruppukottai.

5. Learned Counsel for Petitioner would further submit that out of the remaining amount of Rs. 5,00,000/-, Petitioner is ready to deposit the same in three installments, i.e., the 1st installment of Rs.2,00,000/- will be paid on or before 01.03.2026, the 2nd installment of Rs.1,50,000/- will be paid on or before 01.04.2026, and the 3rd installment of Rs.1,50,000/- will be paid on or before 01.05.2026, to the credit of C.C. No. 224 of 2018 on the file of the Judicial Magistrate, Aruppukottai. An affidavit of undertaking dated 18.02.2026 has also been filed to that effect, and the same is extracted hereunder:

AFFIDAVIT OF UNDERTAKING

I, S.Ramar, son of M.S.Sowdaiyan, Hindu, aged about 62 years residing at Old No.74, New No.27, Nehru Nagar 1st Street, T.V.S. Nagar, Madurai-625



003 now come down to Madurai do hereby solemnly affirm and sincerely state as follows:

1. I submit that I am the petitioner herein and the petitioner in the main Criminal Revision Case and as such I am well acquainted with the facts and circumstances of the case.

2. I submit that the respondent herein filed a private complaint based on 2 Cheques each Rs.5,00,000/-for a sum of Rs.10,00,000/- before the Learned Judicial Magistrate, Aruppukottai under Section 138 of Negotiable Instrument Act in C.C No. 224 of 2018 and the Learned Judicial Magistrate by the Judgment dated 30.12.2022 convicted me. As against the said judgment of conviction, I have filed Criminal Appeal before the Additional District Judge, Virudhunagar in Crl.A.No.14 of 2023. The Appellate court also on an erroneous consideration dismissed the appeal by Judgment and conviction dated 15.11.2023.

3. I submit that aggrieved over the Judgments and conviction of the courts below, I preferred the present Criminal Revision Case in Crl.R.C(MD) No. 1433 of 2023 before this Hon'ble Court.

4. I submit that I have deposited 20% of the Cheque amount i.e.,Rs.2,00,000/- before the appellate court. I further submit that this Hon'ble Court while



granting suspension, directed me to deposit a sum of Rs. 3,00,000/-. As per the orders of this Hon'ble Court as well District Court, I have totally deposited a sum of Rs.5,00,000/- to the credit of C.C.No.224 of 2018 on the file of the learned Judicial Magistrate, Aruppukottai.

5. I submit that in order to give a quietus between us, I am ready to pay the remaining sum of Rs.5,00,000/- out of Rs. 10,00,000/- within a period as mentioned below as full and final settlement in three instalments. I further submit that I undertake that I will pay the first instalment of a sum of Rs. 2,00,000/- on or before 01.03.2026 and the second instalment of Rs. 1,50,000/- on or before 01.04.2026 and the third and final instalment of Rs.1,50,000/- on or before 01.05.2026 to the credit of C.C.No.224 of 2018 on the file of the learned Judicial Magistrate, Aruppukottai.

6. I submit that I have given no objection for the complainant to withdraw the above mentioned amount from the trial Court.

For the reasons stated above it is humbly prayed that this Hon'ble Court may be pleased to record the affidavit of undertaking by allowing the present Criminal Revision Case in Crl.R.C (MD) No. 1433 of 2023 and pass such or other order as this



Hon'ble court may deem fit and proper in the circumstances of the case and thus render justice.

6. Learned Counsel for Respondent concurred with the submissions made by Learned Counsel for Petitioner and would submit that he has no objection to the payment of the remaining Rs. 5,00,000/- in three installments by Petitioner. He would further submit that Respondent may be permitted to withdraw the amount already deposited before the Trial Court.

7. In view thereof, Respondent is permitted to file an appropriate application before Judicial Magistrate, Aruppukkottai seeking withdrawal of the amount deposited by the Petitioner. Upon receipt of such application, the Judicial Magistrate Aruppukkottai, is directed to process the same and release the deposited amount to Respondent within a period of two weeks from the date of receipt of such application.

8. Accordingly, the Criminal Revision Case is **disposed of**, in terms of the undertaking affidavit dated 18.02.2026. It is made clear that Petitioner is directed to abide by terms stated in the undertaking affidavit



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dated 18.02.2026, failing which, conviction imposed by Trial Court
would be restored. There shall be no order as to costs.

Index :Yes / No
Internet :Yes / No
NCC :Yes / No
Nsr

19.02.2026

To:

- 1.The Additional District and Sessions Judge, Virudhunagar.
- 2.The Judicial Magistrate, Aruppukottai.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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MOHAMMED SHAFFIQ, J.

Nsr

Order made in
Crl.R.C(MD)No.1433 of 2023

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