



CrI.R.C.(MD)No.1529 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.04.2026

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CrI.R.C.(MD)No.1529 of 2025

Jeyaraj

... Petitioner

Vs.

Gurunathan

... Respondent

PRAYER : Criminal Revision Case filed under Section 438 BNSS, to call for the records of the order dated 04.11.2025 passed by the Principal Sessions Judge, Thanjavur in Cr.M.P.No.5847 of 2025 in unnumbered Criminal Appeal No. of 2025 and set aside the order.

For Petitioner : Mr.K.Rajendran

For Respondent : Mr.B.Jameel Arasu

ORDER

This Criminal Revision Case has been filed, assailing the order dated 04.11.2025 made in Cr.M.P.No.5847 of 2025 on the file of the learned Principal Sessions Judge, Thanjavur, dismissing the application seeking to condone the delay of 949 days in preferring the criminal



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appeal against the judgment passed by the learned Judicial Magistrate No.I, Kumbakonam in S.T.C.No.2462 of 2019, dated 31.01.2023.

2. The case of the prosecution is that the accused borrowed Rs. 2,00,000/- from the complainant on 01.05.2016, promising to repay within a month. The accused issued a cheque bearing No. 193355 dated 03.06.2016, which was dishonoured due to insufficient funds when presented on 03.06.2016. The complainant issued a legal notice on 10.06.2016, served on 16.06.2016. However, the accused didn't respond or repay the amount. Hence, the complaint was filed.

3.The complaint was taken on file by the learned Judicial Magistrate No.I, Kumbakonam, as S.T.C.No.2462 of 2019. The learned Trial Court convicted the petitioner on 31.01.2023, for the offence under Section 138 of Negotiable Instruments Act and sentenced him to undergo simple imprisonment for a period of one year and to pay a sum of Rs. 4,00,000/- (Rupees Four Lakhs only) as fine, in default to undergo further three months of simple imprisonment. The petitioner had filed an application under Section 5 of the Limitation Act, 1963 in Cr.M.P.No.



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5847 of 2025 before the learned Principal Sessions Judge, Thanjavur seeking to condone the delay of 949 days in preferring the criminal appeal against the judgment passed by the learned trial Court. The learned appellate Court had dismissed the said application vide order dated 04.11.2025. Being dissatisfied with the dismissal of the same, the petitioner has preferred the present Criminal Revision Case.

4. The learned counsel appearing for the petitioner submitted that both the parties have entered into compromise and an amount of Rs. 2,50,000/- was settled to the respondent herein. In this regard, a cost memo has also been filed to compound the offence. Both the parties have appeared before this Court in person. The scanned copy of the cost memo is as follows:-



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MEMORANDUM OF CRIMINAL REVISION
(Under Section 442 of BNSS)
IN THE HIGH COURT OF JUDICATURE MADRAS AT MADURAI
BENCH
(Criminal Original Jurisdiction)

Crl.R.C(MD) No. 1529 Of 2025

Against

Cr.M.P.No. 5847 of 2025

(On the file of the Learned Principal Sessions Judge, Thanjavur)

Against

Unnumbered Cr.A.No. Of 2025

(On the file of the Learned Principal Sessions Judge, Thanjavur)

Jeyaraj,(M/40) (PID No -716543)

S/o. Ponnaiyan,

No. 2/75,Thullar,

Nakkambadi Post,

Kudavasal Taluk,

Thiruvavur District.

(Now confined at Central Prison, Trichy)

...Petitioner/Petitioner/ Accused

-Vs-

Gurunathan,(M/52)

S/o Dakshinamoorthy,

No.3/30, Main Road,

Alamankurichi,

Kumbakonam,

Thanjavur District

... Respondent/Petitioner/Complainant

COST MEMO FILED ON BEHALF OF THE PETITIONER

The petitioner filed a petition before this Hon'ble court to call for the records of the order dated 04.11.2015 passed by the Principal Sessions Judge, Thanjavur in Cr.M.P.No. 5847 of 2025 in Unnumbered Cr.A.No. /2025 on the file of the Learned Judicial Magistrate No.I, Kumbakonam and set aside the order. As per the direction of this Hon'ble Court in Crl.R.C.(MD)No.1529 of 2025 against Cr.M.P.No.5847 of 2025, we have amicably settled our differences and resolved the disputes and the petitioner paid Rs.2,50,000/- through CUB bank, Town Branch,



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Kumbakonam, Thanjavur on 06.04.2026 and the same was accepted and received by the respondent. In pursuance of the said compromise, the petitioner has remitted the above cost to the same on 06.04.2026. The receipt for the same is enclosed along with this cost memo and the same may be recorded.

Dated at Madurai this the 7th day of April, 2026.


Counsel for Petitioner

5. The learned counsel appearing for the respondent also confirms the fact that the compromise have been entered into between the parties.

6. Heard both sides and carefully perused the materials available on record.

7. The Hon'ble Supreme Court in ***Ramgopal and another v. State of Madhya Pradesh***¹, had held that this Court, in exercise of inherent

¹ (2022) 14 SCC 531



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powers, can accept the compromise, even in the case of non-compoundable offences, if the parties have entered into a compromise and the dispute is private in nature.

8. Though the petitioner is the accused of the offence under Section 138 of Negotiable Instruments Act, the dispute is private in nature. Hence, this Court is inclined to accept the compromise and set aside the order of conviction and sentence imposed by the trial Court.

9. Accordingly, the cost memo dated 07.04.2026, is taken on file. The Criminal Revision Case is allowed in terms of the cost Memo dated 07.04.2026. The conviction and sentence imposed upon the petitioner vide judgment dated 31.01.2023, in S.T.C.No.2462 of 2019, is set aside and the petitioner is acquitted of the offence under Section 138 of Negotiable Instruments Act.

07.04.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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Note: Issue order copy on 08.04.2026.



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- 1.The Principal Sessions Judge,
Thanjavur.
- 2.The Judicial Magistrate No.I,
Kumbakonam.
- 3.The Superintendent,
Central Prison,
Trichy.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI ,J.

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Order made in
CrI.R.C.(MD)No.1529 of 2025

Dated: 07.04.2026