

Judge of the High Court, by order dated 03.03.2016, set aside those orders and directed the Corporation to consider the application objectively within 60 days. The Division Bench, on 24.04.2019, reversed the Single Judge. The Supreme Court, in appeal, held that the civil Court's decree had attained finality, title was never in issue, a mere register entry could not constitute proof of title, and de-reservation did not revive any public-purpose character; the judgment of the Single Judge was restored with a direction to the Corporation to consider the application within 60 days by a speaking order. Full text reported as **2026 PLRonline 423952**

SS

(2026-1)219 PLR 213 (SC)

SUPREME COURT OF INDIA

Present : Justice Vikram Nath and Justice Sandeep Mehta.

A. BALAKUMAR - Appellant

Versus

PROF. MOHANRAJ - Respondent

Criminal Appeal No. 2049 of 2026 (Arising out of SLP (CrI.) No. 6932 of 2023)

(i) Criminal Procedure Code, 1973 (II of 1974), Sections 378, 397 and 401 — Second appeal against acquittal at the instance of same party — Not maintainable — Revisional jurisdiction sole remedy — Scheme of the Cr.P.C. does not contemplate the maintainability of an appeal to the High Court at the instance of the same party once the appellate jurisdiction against an order of acquittal has already been exercised — Only permissible course of action available to the complainant was to invoke the revisional jurisdiction of the High Court under Section 397 read with Section 401 Cr.P.C. **[Para 8]**

(ii) Criminal Procedure Code, 1973 (II of 1974), Sections 397 and 401 — Revisional jurisdiction against acquittal — Scope — In exercise of revisional jurisdiction against a judgment of acquittal, the High Court is precluded from converting a finding of acquittal into one of conviction — Scope of interference is limited, and at best, the High Court may direct a *de novo* trial if the judgment of the trial Court is found to suffer from manifest illegality or perversity. **[Para 9]**

(iii) Negotiable Instruments Act, 1881 (26 of 1881), Section 138 — Acquittal affirmed by Sessions Judge — Unjust exercise of appellate jurisdiction by High Court — Trial Court acquitted the accused; appeal by the complainant dismissed by the Sessions Judge; complainant thereafter approached the High Court styling the petition as an "appeal" without challenging the order of the Sessions Judge — High Court despite recording the fact of earlier dismissal nonetheless proceeded to entertain and decide the matter, overlooking the finality attached to the earlier adjudication — Held, clearly a case of unjust exercise of appellate jurisdiction by the High Court in reversing the acquittal which already stood affirmed in appeal; impugned judgment set aside. **[Para 10]**

(iv) Negotiable Instruments Act, 1881 (26 of 1881), Section 147 — Compounding at the appellate stage — During pendency of the appeal before the Supreme Court, the appellant-accused tendered a sum of Rs.4 lakhs to the complainant through three demand drafts — Offence under Section 138 of the NI Act, 1881 directed to stand compounded in terms of Section 147 of the NI Act; appellant acquitted. **[Paras 11, 12, 13]**

Shri M.P. Parthiban, for the appellant. Shri Raghenth Basant, Senior Advocate, with Ms. Hima Bhardwaj, Mr. Sajal Sinha and Mr. Arjun Singh Bhati, for the respondent.

ORDER

Sandeep Mehta, J. – (17-04-2026) – Heard.

2. Leave granted.

3. The appellant-accused was prosecuted for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 ("NI Act, 1881"), pursuant to a complaint filed by the respondent-complainant before the learned V Metropolitan Magistrate, Egmore, Chennai (later transferred to the file of learned Metropolitan Magistrate, Fast Track Court- III, Saidapet, Chennai) ("trial Court").

4. The said complaint was instituted in respect of the dishonour of a cheque issued to the respondent-complainant by the appellant-accused for a sum of Rs.2 lakhs. The learned trial Court, after trial acquitted the appellant-accused vide judgment dated 30th August, 2018.

5. Aggrieved thereby, the respondent-complainant preferred an appeal which came up for hearing before the learned XVIII Additional Sessions Judge, Chennai ("Sessions Judge"), who, upon detailed consideration, vide judgment dated 22nd January 2020, dismissed the appeal and confirmed the judgment of the trial court acquitting the appellant-accused.

6. Thereafter, the respondent-complainant preferred an appeal before the High Court of Judicature at Madras ("High Court") challenging the acquittal of the appellant-accused. The High Court, vide order dated 24th February, 2023, allowed the appeal and while reversing the acquittal of the appellant-accused recorded by the trial Court and affirmed by the Sessions Judge, held the appellant-accused guilty of the offence punishable under Section 138 of the NI Act, 1881 and sentenced him to undergo simple imprisonment for six (6) months, along with a fine of Rs.4,00,000/- (being double the cheque amount), and, in default of payment of fine, to undergo three (3) months of simple imprisonment.

7. The appellant-accused is before us by way of the present appeal with special leave, assailing the judgment rendered by the High Court, whereby he has been convicted for the aforesaid offence and sentenced as stated hereinabove.

8. We are *ex facie* of the considered view that the High Court committed an error apparent on the face of record by entertaining the petition filed by the respondent-complainant, styled to be an appeal. The scheme of the Code of Criminal Procedure, 1973 ("CrPC") does not contemplate the maintainability of an appeal to the High Court at the instance of the same party once the appellate jurisdiction against an order of acquittal has already been exercised. In such circumstances, the only permissible course of action available to the respondent-complainant was to invoke the revisional jurisdiction of the High Court under Section 397 CrPC read with Section 401 CrPC.

9. It is well settled that, in the exercise of revisional jurisdiction against judgment of acquittal, the High Court is precluded from converting a finding of acquittal into one of conviction. The scope of interference is limited, and at best, the High Court may direct a de novo trial if the judgment of the trial court is found to suffer from manifest illegality or perversity.

10. On perusal of the order passed by the High Court, we find that the respondent-complainant seems not to have challenged the order dated 22nd January, 2020 passed by the Sessions Judge in Criminal Appeal No.611/2018, whereby the appeal against acquittal preferred by the respondent-complainant, challenging the judgment dated 30th August, 2018 passed by the learned trial court, came to be dismissed. Thus, it was clearly a case of unjust exercise of appellate jurisdiction by the High Court in reversing the acquittal of the appellant-accused, which already stood affirmed in appeal. Despite

recording in the impugned order that the appeal against the judgment of the trial court had been preferred by the complainant before the Session Judge and stood rejected, the High Court nonetheless proceeded to entertain and decide the matter, overlooking the finality attached to the earlier adjudication.

11. However, during the pendency of the present appeal, the appellant-accused, on 17th March, 2026 represented by learned senior counsel Mr. S. Nagamuthu, made an offer to pay a sum of Rs.4 lakhs to the respondent-complainant. During the course of hearing today, three demand drafts aggregating to a total sum of Rs.4 lakhs have been handed over to the learned counsel for respondent-complainant, the particulars whereof are set out hereinbelow: -

(i) Demand Draft dated 04.04.2026 drawn on Indian Overseas Bank amounting to Rs.2,00,000/- (Rupees Two Lakhs only).

(ii) Demand Draft dated 04.04.2026 drawn on Indian Overseas Bank amounting to Rs.1,00,000/- (Rupees One Lakh only).

(iii) Demand Draft dated 06.04.2026 drawn on State Bank of India, Drawee Branch CCPC, Chennai, amounting to Rs.1,00,000/- (Rupees One Lakh only).

12. In view of the above, we direct that the offence under Section 138 of the NI Act 1881, for which the appellant-accused has been convicted by the High Court, upon reversal of his acquittal, shall stand compounded in terms of Section 147 of the NI Act, 1881.

13. The impugned judgment is accordingly set aside. The appellant is acquitted of the charge under Section 138 of the NI Act.

14. The appeal is allowed in these terms.

15. Pending application(s), if any, shall stand disposed of.