



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.11.2015

CORAM:

THE HONOURABLE MR.JUSTICE A.SELVAM

Criminal Appeal No.58 of 2006

K.Kesavan

... Appellant/Complainant

vs.

K.Arumugam

... Respondent/Accused

Criminal Appeal filed under Section 378 of Cr.P.C., to set aside the decision made in C.C.No.317 of 2002 dated 16.11.2005, on the file of the Judicial Magistrate No.1, Erode, Erode District.

For appellant : No appearance

JUDGMENT

This criminal appeal has been filed against the dismissal order passed in Calendar Case No.317 of 2002, by the Judicial Magistrate No.I, Erode.

2. It is averred in the petition that on 14.09.2001, the accused has received a sum of Rs.2 lakhs from the complainant by way of debt and in order to discharge the same, he has given the cheque in question and the same has been put into concerned bank, but the concerned bank has returned the same stating 'funds insufficient' and subsequently, a statutory notice has been issued and even after receipt of the same, the accused has not discharged his liability and thereby committed an offence punishable under Section 138 r/w Section 142 of the Negotiable Instruments Act, 1881.

3. The trial Court, after considering the divergent contentions raised on either side, has dismissed the complaint. Against the dismissal order, the present criminal appeal has been preferred, at the instance of the complainant, as appellant.

4. After admission of the present criminal appeal, notice has been sent to the respondent/accused. But the respondent/accused has passed away and to that effect, the trial Court has submitted death certificate of the respondent/accused and the same has been verified and ultimately found as correct.



5. Further, the counsel appearing for the appellant has failed to make his appearance today and even on an earlier hearing, he has done the same thing. Under the said circumstances, the present criminal appeal deserves to be dismissed.

In fine, this criminal appeal is dismissed.

Sd/-
Asst.Registrar (CS VII)

/true copy/

Sub Asst. Registrar

msk

To :

1. The Judicial Magistrate No.1,
Erode, Erode District

2.The Public Prosecutor,
High Court, Madras

2. -do-Thro'The Chief Judicial Magistrate, Erode.

Crl.A.No.58 of 2006

vd co
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