



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 20.07.2018

CORAM :

THE HON'BLE MR. JUSTICE R.PONGIAPPAN

Crl.A.No. 88 of 2009

WEB COPY

K.Sripriyan @ Sridhar

.. Appellant

Vs.

K.Ravichandran

..Respondent

Prayer: Appeal filed under Section 378 (2) Cr.P.C., challenging the Judgment of conviction and sentence dated 24.09.2008 in C.C.No.290 of 2007 by the Judicial Magistrate Court No.III, Erode.

For Appellant	: Mr.C.V.Kumar
For Respondent	: No appearance

JUDGMENT

This criminal appeal is filed against the order of acquittal made in C.C.No.290 of 2007 on the file of the Judicial Magistrate No.III, Erode.

2. The brief facts of the case is that, from March 2007 to May 2007, on several days, the respondent has borrowed a total sum of Rs.10 Lacs from the complainant and towards the discharge of the said liability, the accused have given two cheques in favour of the complainant, in which one such cheque is dated 12.07.2007 for Rs.4,55,325/- drawn on Canara Bank, Gobichettipalayam. The said cheque was presented for collection on 13.07.2007 and the same was returned with the endorsement "Funds Insufficient" vide Intimation Memo dated 18.07.2007. On 01.08.2007, Legal Notice was sent by the appellant/complainant and the same was received by the respondent/accused on 08.08.2007. After the receipt of said legal notice, the accused neither replied nor repaid the amount. So complaint was lodged and taken on file under Section 138 of Negotiable Instruments Act. After completion of trial, the learned Judicial Magistrate acquitted the above accused/appellant.

3. Heard both sides and perused the documents available on record.

4. Today, when the matter is taken up for hearing, the learned counsel appearing for the appellant is present and represented before this Court that the order passed by this Court dated 13.07.2018 directing the counsel for the appellant to pay a sum of Rs.2,000/- as day cost to the Legal Aid Services, High Court, Madras has not been paid so far.

<https://hcservices.ecourts.gov.in/hcservices/>

5. Since this criminal appeal is pending from the year of 2009. Even after giving sufficient opportunity, the learned



counsel for the appellant has not completed the enquiry, due to which, the appeal is kept pending without any progress. Even after passing orders on 13.07.2018 to the payment of cost of Rs.2000/- to the Legal Aid Services, High Court, Madras, learned counsel for the appellant is not ready to comply with the said order.

6. In view of the reasons state above, this Criminal Appeal is dismissed. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To
The Judicial Magistrate
Court No.III,
Erode.

GP(CO)
sm:25.9.2018

Crl.A.No. 88 of 2009