

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.08.2018

CORAM:

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

Criminal Appeal No.828 of 2007

K.Shanmugham

... Appellant/Complainant

Vs.

Mrs.P.Devi.,

... Respondent/Accused

Prayer: Criminal Appeal is filed under Section 378 of the Criminal Procedure Code, praying against the judgment of acquittal passed in C.C.No.9825 of 2003 on the file of XV Metropolitan Magistrate, George Town, Chennai dated 29.06.2007.

For Appellant : No appearance
For Respondent : No appearance

J U D G M E N T

The appellant has filed this appeal questioning the judgment of acquittal dated 29.06.2007 rendered in C.C.No.9825 of 2003 on the file of XV Metropolitan Magistrate, George Town Court, Chennai.

2. The case of the complainant is that the cheque dated 07.07.2003 for a sum of Rs.38,810/- was issued by the accused in favour of the complainant and that the said cheque, on presentation was dishonoured and after following the statutory formalities, the complaint in question was laid.

3. The complainant examined himself as PW.1. Ex.P.1 to Ex.P.4 were marked. The trial Magistrate, however, chose to acquit the accused. Questioning the same, this appeal has been filed.

4. On the last occasion, it was submitted that the sole appellant is no more. Steps to bring his legal heirs on record are yet to be taken but I am of the view that

there is no point in keeping this appeal alive. The cheque itself is for a sum of Rs.38,810/-. The transaction is of the year 2002. The complainant himself is no more but the litigation launched by him is still alive.

5. I am of the view that the Court below has given convincing reasons for acquitting the accused. The complainant had admitted in his deposition that he did not know the accused earlier but when the accused came to him with the request for financial assistance, he gave a sum of Rs.35,000/- as loan. The Court below disbelieved this version. It appears that the accused had given cheque to one Srinivasan of Kalai Finance and the said cheque had misused by the complainant.

6. The Court below had carefully analysed the entire records and thereafter acquitted the accused. No case has been made out for interference. There is no merit in the appeal. Hence, the Criminal Appeal is dismissed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

bsm

To

The XV Metropolitan Magistrate,
George Town, Chennai.

2. The section officer,
Criminal Section,
High court
Madras

Criminal Appeal No.828 of 2007

A.SK(06/03/2019)

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