



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.03.2018

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.R.C. (MD) No.145 of 2018

WEB COPY

S.Pazhamalai

: Petitioner/Appellant/Complainant

Vs.

L.Dhandapani

: Respondent/Respondent/Accused

PRAYER: Criminal Revision Case is filed under Section 397 r/w 401 of the Criminal Procedure Code praying to set aside the judgment and order of the acquittal of the respondent in Crl.Appeal No.4 of 2017 dated 11.07.2017 on the file of the learned Principal District and Sessions Judge, Tiruchirapalli, confirming the judgment and order passed in S.T.C.No.36 of 2014, dated 19.12.2016 on the file of the learned Judicial Magistrate No.I, Tiruchirapalli and award the compensation upto twice the cheque amount in favour of the petitioner/complainant under Section 357 Cr.P.C., or please pass such other orders as this Court deem fit.

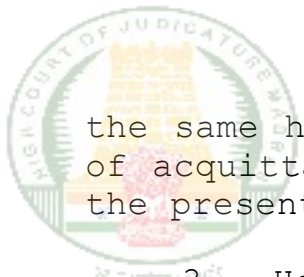
For Petitioner

: Mr.Arunaguru Prasad

ORDER*********

For the sake of convenience, the parties will be referred to as the complainant and the accused.

2. It is the case of the complainant that the accused borrowed Rs.15,00,000/- (Rupees Fifteen Lakhs only) on 01.09.2012 and the accused gave two cheques for Rs.5,00,000/- (Rupees Five Lakhs only) each, both dated 29.10.2013. The complainant presented the two cheques and they were returned unpaid with the endorsement **"payment stopped by drawer"**. The complainant issued the statutory notice dated 29.11.2013 to the accused. Since the accused did not make payment, the complainant initiated a prosecution in S.T.C.No.36 of 2014 before the learned Judicial Magistrate No.I, Tiruchirapalli under Sections 138 and 142 of the Negotiable Instruments Act against the accused. On the appearance of the accused, he was questioned about the substance of the allegations, which he denied. On behalf of the complainant, two witnesses were examined and seven Exhibits were marked. On behalf of the accused, two witnesses were examined and three Exhibits were marked. After considering the evidence adduced by both sides, the Trial Court, by order dated 19.12.2016, in S.T.C.No.36 of 2014, acquitted the accused. Challenging the acquittal, the complainant filed Crl.A.No.4 of 2017 before the Sessions Court, Tiruchirapalli and



the same has been dismissed on 11.07.2017. Challenging the orders of acquittal passed by both the Courts, the complainant has filed the present Criminal Revision Case.

3. Heard Mr.Arunaguru Prasad, learned counsel for the petitioner/complainant.

4. On a reading of the orders passed by the Courts below, it is seen that the complainant has failed to prove the debt. In other words, it is the case of the complainant that Rs.15,00,000/- (Rupees Fifteen Lakhs only) was accepted as hand loan on 01.09.2012 by the accused, which assertion, the complainant was not able to satisfactorily establish before the Trial Court. Thus, both the Courts have found on facts that the debt has not been proved. In such view of the matter, this Court does not find any infirmity or impropriety in the orders passed by the Courts below warranting interference.

5. In the result, this Criminal Revision Case is devoid of merits and accordingly, the same is dismissed.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

1. The Principal District and Sessions Judge,
Tiruchirapalli.

2. The Judicial Magistrate No.I,
Tiruchirapalli.

+1cc to Mr.Arunaguru Prasad, Advocate Sr.No.56573

sml

VB/KKR/SAR1/03.04.2018/2P/4C

Order made in
Cr1.R.C. (MD) No.145 of 2018
20.03.2018