



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.02.2022

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.A. (MD) .No.56 of 2022

R.R.Milk Company,
Represented by its Manager,
Vairamani.

... Appellant/Complainant

Vs.

Ramkumar

... Respondent/Accused

PRAYER : Criminal Original Petition filed under Section 378 (4) of Cr.P.C., praying to call for the records of the Judgment in C.C.No.12 of 2019, dated 14.12.2021 passed by the learned Fast Track Court (Magistrate Level), Uthamapalayam and to set aside the same.

For Appellant : Mr.G.Karuppasamy Pandiyan

ORDER

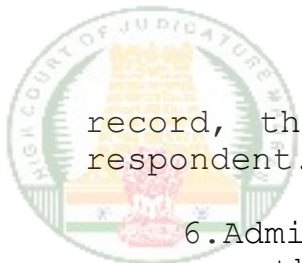
This Criminal Appeal has been preferred as against the Judgment passed in C.C.No.12 of 2019, dated 14.12.2021 by the learned Fast Track Court (Magistrate Level), Uthamapalayam, thereby dismissed the complaint lodged by the appellant and acquitted the respondent for the offence punishable under Section 138 of the Negotiable Instruments Act.

2.The appellant lodged a complaint as against the respondent for the offence punishable under Section 138 of the Negotiable Instruments Act, alleging that he was working as a Manager in the company, namely R.R.Milk, wherein, the respondent supplied milk to the company. Due to that transaction, the respondent had to pay a sum of Rs.17,76,205/- and in order to repay the said amount, the respondent issued cheque, dated 09.08.2008. It was presented for collection and it was returned dishonored for the reason that the funds insufficient. After causing statutory notice as required under Section 138 of the Negotiable Instruments Act, the appellant lodged the complaint and the same has been taken cognizance in C.C.No.12 of 2019.

3.On the side of the appellant, he himself examined as P.W.1 and marked Exs.A.1 to Ex.A.4 and on the side of the respondent, he himself examined as D.W.1 and no document was marked.

4.Heard the learned counsel appearing for the appellant and perused the entire materials available on record.

5.On a perusal of the deposition and materials available on <https://hcservices.ecourts.gov.in/hcservices/>



record, the Court below dismissed the complaint and acquitted the respondent.

6. Admittedly, the cheque was issued in the name of R.R Milk company, though the appellant represented as Manager of the said R.R Milk company, either authorization letter or any power of attorney filed in support of his contention. In the cross-examination of P.W.1, he admitted that no documents filed with regard to authorization letter or the power of attorney on behalf of R.R Milk company. Therefore, the appellant has no locus to maintain the complaint on behalf of R.R Milk company. Hence, the Court below rightly dismissed the complaint and acquitted the respondent.

7. In view of the above, this Court finds no infirmity or illegality in the order passed in C.C.No.12 of 2019, dated 14.12.2021 by the learned Fast Track Court (Magistrate Level), Uthamapalayam. Accordingly, this Criminal Appeal is dismissed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

ps

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

1. The Fast Track Court (Magistrate Level),
Uthamapalayam.

2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

CRL.A. (MD) .No.56 of 2022
17.02.2022

SAR(CO)

KB(07.03.2022) 2P 3C