



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Friday, the Second day of December Two Thousand and Twenty Two
PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) No.19657 of 2022

in

CRL.A.(MD)SR.No.37619 of 2022

G.SARAVANAN

... APPELLANT/COMPLAINANT

Vs

R.SELVAKUMAR (SEVUHAR)

... RESPONDENT/ACCUSED

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to grant special leave to prefer the present Criminal Appeal against the order passed in STC No.1/2022 on the file of the Learned Judicial Magistrate (FTC) (ML), Uthamapalayam.

PRAYER in CRL.A.(MD)SR.No.37619 of 2022 :

Pleased to call for the records in S.T.C.No.1 of 2022 on the file of the Learned Judicial Magistrate, Fast Track Court (ML), Uthamapalayam dated 29.08.2022, setaside the same by convicting the respondent/accused and directing him to pay twice the amount of cheque as fine.

ORDER : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of MR.K.P.S.PALANIVEL RAJAN, Advocate for the petitioner and of MR.R.KARUNANITHI, Advocate on behalf of the Respondent, the court made the following order:-

This petition is filed to grant special leave to prefer the present criminal appeal against the order passed in STC No.1 of 2022 on the file of the Judicial Magistrate (FTC) (ML), Uthamapalayam.

2.The case of the prosecution is that the accused borrowed a sum of Rs.3,00,000/- on 14/03/2021. For discharging the above said liability, he issued a cheque dated 09/09/2021. When it was presented for payment, it was returned due to insufficient money. After completing the statutory formalities, the complainant filed a private complainant.

3.The trial court, after considering the evidence on record, came to the conclusion that the source of the complainant was not properly proved and also taking into account that the complainant is also prosecuting some other persons in the very same court, the case was dismissed and the accused was acquitted.

