

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

DATED : 12.04.2024

Coram

THE HONOURABLE MR. JUSTICE M.DHANDAPANICRL. APPEAL No.152 of 2021

M/.Sree Gokulam Chit & Finance Co. (P) Ltd.,
Rep. By its Assistant Business Manager,
Mr.B.Saji Kumar,
Son of Shri Balakrishna Nair,
Sree Sai Towers,
No.1064/8, Post Office Road,
Hosur,
Krishnagiri District-635 109.

... Appellant

Vs.

F.Robert Srinath

... Respondent

Prayer: The Criminal Appeal has been filed under Section 378 of the Code of Criminal Procedure praying to call for the records and judgment acquitting the respondent/accused in STC. No.143 of 2013 dated 17.12.2020 passed by the learned Judicial Magistrate, Fast Track Court, Hosur, Krishnagiri District and set aside the same.

For Appellant : Mr.L.Rajasekaran

For Respondent : No appearance

J U D G M E N T

This appeal has been filed seeking to quash the judgment acquitting the respondent/accused in STC. No.143 of 2013 dated



17.12.2020 passed by the learned Judicial Magistrate, Fast Track Court,

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2. It is the case of the appellant that the the appellant is a private chit company. The respondent had joined the chit and he had participated in the auction and bid the chit and became successful bidder. It is the case of the appellant that the respondent had committed default in payment of the subscription amount and on demand by the complainant, the respondent had issued a cheque bearing No.006617 dated 13.03.2013 for a sum of Rs.2,15,000/- in favour of the appellant. The said cheque was presented before the Banker on 13.03.2013 for encashment and the same was returned with an endorsement as "No such Account" by the respondent vide Memo dated 13.03.2013. Therefore, the appellant has issued statutory notice on 25.03.2013 to the respondent and the same was acknowledged by the respondent on 26.03.2013. However, the respondent has very well known about the dishonour of the cheque and he has not taken any steps to return the money. Hence, the appellant filed a private complaint under Section 138 of NI Act before the Judicial Magistrate, FTC, Hosur. Without considering the entire fact, the learned Magistrate acquitted the accused, vide order dated 17.12.2020. Challenging the same, the present appeal has been filed.



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2. When the matter is taken up for hearing, the learned counsel appearing for the appellant submitted that challenging the impugned order, the appellant has filed a suit before the concerned jurisdictional Court and the same is pending for adjudication. Therefore, this Court, without going into the merits of the case, permit the appellant to canvass all the points before the said Court where the civil suit is pending.

3. Taking into consideration the nature of dispute that has been projected in the present petition and in view of the relief sought for by the appellant, this Court grants liberty to the parties to canvass all the points before the trial court, where the suit is pending.

4. In view of the above, this Court, without rendering any opinion on the merits of the case, directs the appellant to canvas all points before the concerned Civil Court, where the suit is pending, for getting appropriate remedy. The learned Judge shall decide the matter without influencing any of the observation made in the impugned order on merits and in accordance with law.



5. With the above directions, the Criminal Appeal is dismissed.

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Index:Yes/No

Speaking Order:Yes/No

To

The Judicial Magistrate Fast Track court, Hosur.



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