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Crl.A. No. 1105 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.08.2024

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.A.No.1105 of 2024

and

Crl.M.P.No.12286 of 2024

M. Ravikumar

...Appellant/Complainant

Vs.

C. Kannan

... Respondent/Accused

PRAYER: Criminal Appeal to set aside the order of acquittal passed by the Court of Metropolitan Magistrate, Fast Track Court at Magistrate Level V, Saidapet, Chennai in STC No. 3352/2022 dated 12.09.2023 and sentence the accused in accordance with the provisions of the Negotiable Instruments Act.

For Appellant

:: Mr.S. Balaji



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For Respondent :: Mr.D. Rajamathivanan

J U D G M E N T

This appeal has been filed by the complainant seeking to set aside the order of acquittal passed by the Court of Metropolitan Magistrate, Fast Track Court at Magistrate Level V, Saidapet, Chennai in STC No. 3353/2022 dated 12.09.2023 and sentence the accused in terms of the Negotiable Instruments Act.

2. The contention of the learned counsel for the appellant is that the respondent/accused had approached the appellant for development of his business and sought loan of Rs.7 lakhs. The appellant, who was planning to purchase a plot, had pledged his family gold ornaments in order to mobilise the funds for the intended purchase. The respondent/accused, on coming to know about this, pleaded with the appellant to part with a sum of

Rs.7 lakhs and promised to repay the same with interest. The appellant had



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also extended the loan sought and the respondent had repaid a sum of Rs.2.75 lakhs. For the balance sum of Rs.4.25 lakhs, the respondent had issued a cheque. When the cheque was presented, it got dishonoured. Thereafter, following the statutory procedure, the complaint came to be filed.

3. Before the Trial Court, the appellant had examined himself as P.W.1 and marked Exs.P1 to P5. The Trial Court, relying upon the reply notice and the contention of the respondent that he had only taken a loan of Rs.5 lakhs and repaid the same through cash and through Bank on various dates and holding that the appellant had failed to prove that the cheque was issued vis-à-vis a legally enforceable debt, acquitted the respondent on the ground that he had probalised his defence.

4. At the time of admission before this Court on 15.07.2024, learned counsel for the respondent/accused appeared. The appellant and the respondent agreed that the issue can be given a quietus to and thereafter, it was agreed that the respondent shall pay Rs.1.25 lakhs towards full and final settlement. In pursuance of the same, the respondent had also paid the



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said amount of Rs.1.25 lakhs by way of Demand Drafts on various dates and the same are produced before this Court.

5. When the matter is taken up today, both the appellant and the respondent and their respective counsel are present before this Court. The learned counsel for the appellant filed a compounding petition before this Court under Section 147 N.I. Act in Crl.M.P. No. 12286 of 2024 to compound the offence and the same is ordered.

6. In the result, the case between the appellant and the respondent is compounded. The judgment dated 12.09.2023 passed in STC No. 3352 of 2022 by the Court of the Metropolitan Magistrate, Fast Track Court at Magistrate Level V, Saidapet, Chennai is hereby set aside. The respondent is acquitted of all the charges levelled against him. The criminal appeal stands disposed of.

30.08.2024

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To

The Metropolitan Magistrate Court,
Fast Track Court at Magistrate Level V,
Saidapet, Chennai.

M. NIRMALKUMAR,J.

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