



CRL OP(MD). No.21664 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Criminal Original Jurisdiction

Friday, the Thirtieth day of August Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.21664 of 2023

in

CrI.A(MD)No.Sr.44984 of 2023

Nagapandian
S/o.Marimuthu,
No.194, Srinangupatti
Attankudi Post,
Kavinadu East,
Pudukkottai Taluk and District.

... Petitioner

Vs

Pranmalai
W/o.Syed Mohammed,
No.95/3, East 4th Street,
Pudukkottai Taluk and District.

... Respondent

Prayer :-

Criminal Original Petition filed under Section 378(3) of Cr.P.C. to grant Special Leave to file a appeal against the Judgement of Acquittal in S.T.C.No.138 of 2022 on the file of Learned Judicial Magistrate No.1, Pudukkottai dt.06.10.2023.



CRL OP(MD). No.21664 of 2023

Prayer in CrI.A(MD)S.R.No.44984 of 2023:-

WEB COPY

Criminal Appeal Petition filed under Section 378(4) of Cr.P.C., to call for the records and set aside the Judgment and Acquittal Order passed in S.T.C.No.138 of 2022 on the file of learned Judicial Magistrate No.1, Pudukottai, dated 06.10.2023, and convict the accused for the offense under section 138 of Negotiable Instruments Act.

ORDER:- This Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/s. D. Rameshkumar, Advocate for the Petitioner and of Mr. A. Syed Abdul Kather, Advocate for the Respondent, this Court made the following order:

"This petition has been filed seeking leave of this Court to file an appeal as against the judgement of acquittal passed in S.T.C.No.138 of 2022 on the file of the learned Judicial Magistrate No.I, Pudukkottai dated 06.10.2023.

2. Heard the learned counsel for the petitioner and the learned counsel for the respondent.

3. The case of the petitioner is that a private complaint has been filed under Section 200 of Cr.P.C., before the trial Court for the offence under Section 138 of Negotiable Instruments Act, 1881.

4. Before the trial Court, the complainant was examined himself as P.W.1 and 4 documents were marked as Ex.Ps.1 to 4. On the side of the respondent three witnesses were examined as D.W.1 to D.W.3 and one documents was marked as



CRL OP(MD). No.21664 of 2023

Ex.D.1.

WEB COPY

5. The trial Court, after analysing the evidence on records, found that the complainant failed to prove his case by producing documents Apart from that, it also pointed out that some discrepancies in the case of the petitioner herein. Therefore, challenging the order of acquittal, this petition is filed.

6. It is admitted by the petitioner himself that there was a finding recorded by the trial Judge that the statutory notice was not properly served upon the respondent herein. Only on that ground, judgment was rendered. When statutory notice is found to be not legal one, then automatically Section 138 of Negotiable Instrument Act may not be attracted.

7. This Court does not find any reason to grant leave to the petitioner. Accordingly, this Criminal Original Petition is dismissed."

Sd/-

Assistant Registrar (C.S.I)

// True Copy //

/09/2024

Sub Assistant Registrar
(CS - I, II, III, IV)

tta
TO

The Judicial Magistrate No.1,

Pudukottai

<https://www.jmc.tn.gov.in/judis>



CRL OP(MD). No.21664 of 2023

Copy To:

WEB COPY

The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court,
Madurai

ORDER DATED : 30/08/2024

=====

ORDER

=====

CRL OP(MD). No.21664 of 2023
in
Crl.A(MD)No.Sr.44984 of 2023

Giving direction and etc.
as stated within.

SL(25.09.2024)/ 4P/ 3C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.