

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**MONDAY ,THE FIRST DAY OF APRIL
TWO THOUSAND AND TWENTY FOUR**

PRESENT

THE HONOURABLE SRI JUSTICE E.V. VENUGOPAL

CRIMINAL APPEAL NO: 115 OF 2018

**Crl.Appeal Under Section 378 (4) of Cr.P.C. aggrieved by the Judgment
in C.C.No. 176 of 2014 dated 23-10-2015 on the file of the Court of the VI
Special Magistrate at Hasthinapuram, Ranga Reddy District.**

Between:

**Rekkala Sudhakar ReddyS/o. R.Laxma Reddy , Occ-Business and Agriculture,
R/o.H.No.3-11-156, R.T.C Colony, L.B Nagar, Hyderabad**

...APPELLANT/ Complainant

AND

- 1. The State of Telangana, through Public Prosecutor, High Court at Hyderabad.
.. Respondent**
- 2. Ravula Swaroopa, R/o. Flat No. 204, Chandana Homes, Road No.5,
Chandrapur Colony, Chinthalkunta L.B Nagar, Hyderabad**

...RESPONENT/Accused

Counsel for the Appellant: SRI. K. VENUMADHAV

Counsel for the Respondent No.1: THEPUBLIC PROSECUTOR

Counsel for the Respondent No.2 : None appeared

The Court delivered the following Judgment

1

THE HONOURABLE SRI JUSTICE E.V.VENUGOPAL

CRIMINAL APPEAL No.115 OF 2018

JUDGMENT:

The present Criminal Appeal is filed under Section 378 (4) of Cr.P.C seeking to set aside the Judgment dated 23.10.2015 passed in C.C.No.176 of 2014 on the file of the learned VI Special Magistrate, Hasthinapuram (for short 'the trial Court').

2. Heard and perused the record.
3. The brief facts of the case are that the appellant herein/ complainant and husband of respondent No.2 are well acquainted to each other. Out of the said acquaintance, accused approached complainant with a request to provide hand loan of Rs.10,00,000/- to meet her urgent business and accordingly, on 15.10.2012, the complainant advanced Rs.10,00,000/- to the accused and in turn, accused executed promissory note in favour of the complainant in the presence of witnesses, agreeing to repay the same on demand with interest @ 18% per annum. The husband of the accused stood as guarantor to the said transaction. Since the accused failed to repay the amount on demand, the complainant got issued legal notices to the accused

and her husband on 30.03.2014, to repay the amount within (15) days from the date of receipt of the said legal notice. But, the said legal notice was returned with a postal endorsement 'Unclaimed' on 05.03.2014. On knowing about the issuance of legal notice, accused and her husband approached the complainant and voluntarily issued cheque bearing No.933125, dated 24.03.2015 for Rs.10,00,000/-, drawn on State Bank of Hyderabad, Saroornagar Branch, in favour of the complainant towards principal amount and promised to pay interest within short period. Accordingly, the complainant presented the said cheque in his banker i.e., Bank of India, Mansoorabad Branch, L.B. Nagar, on 28.03.2014, but the same was returned due to the reason 'Account Closed' vide memo dated 29.03.2014, as such, the complainant got issued another legal notice to the accused calling upon her to pay the amount under the dishonoured cheque within 1(5) days from the date of receipt of the legal notice, but the same was returned for the reason 'Unclaimed' on 09.04.2014, and accused also failed to repay the amount. Hence, the complaint.

4. In support of his case, the appellant himself examined as PW1 and also examined one witness by name S. Madhusudhan

Reddy as PW2 and got marked Exs.P1 to P11. On behalf of respondent No.2, she herself was examined as DW.1 and got marked Exs.D1 to D8.

5. The trial Court, after appreciating the oral and documentary evidence on record has dismissed the complaint stating that the appellant has not proved the guilt of respondent No.2 by any cogent and convincing evidence. Therefore, respondent No.2 is found not guilty for the offence under Section 138 of Negotiable Instruments Act (for short 'the N.I. Act'). Accordingly, she is acquitted under Section 255 (1) Cr.P.C.

6. Learned counsel for the appellant submitted that the learned trial Court has erred in understanding the case of the appellant and passed the Judgment. Hence, seeks to allow the present criminal appeal by setting aside the Judgment dated 23.10.2015 passed in C.C.No.176 of 2014.

7. Learned counsel appearing for respondent No.2 would submit that the learned Court below after appreciating the material facts before it has passed the Judgment. Therefore, interference of this Court at this stage is unwarranted. Hence, seeks to dismiss the present criminal appeal.

8. Recording the submissions made by both the learned counsel and upon perusing the entire material available on record, I do not find any reason to interfere with the well reasoned Judgment passed by the Court below. Therefore, this Court is not inclined to entertain the present Criminal Appeal.

9. Accordingly, the Criminal Appeal is dismissed.

Miscellaneous Petitions, pending if any, shall stand closed.

Sd/- K. SRINIVASA RAO
JOINT REGISTRAR

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SECTION OFFICER

To

1. The VI Special Magistrate at Hasthinapuram, Ranga Reddy District.
2. Two CCs to Public Prosecutor, High Court for the State of Telangana at Hyderabad. (OUT)
3. One CC to SRI. K. VENUMADHAV, Advocate [OPUC]
4. Two CD Copies

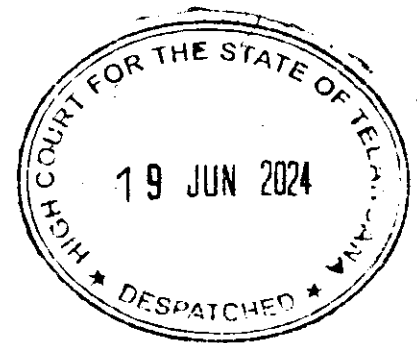
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HIGH COURT
DATED:01/04/2024

JUDGMENT

CRL.APPEAL No.115 of 2018



DISMISSING THE CRL.APPEAL.

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