



Crl.A.No.983 of 2025

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.07.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

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Ibadul Hassan

..... Appellant

Vs

Mohammed Yaseen

..... Respondent

PRAYER: Criminal Appeal is filed under Sections 378 of Criminal Procedure Code/ Section 419 of Bharatiya Nagarik Suraksha Sanhita to call for the records pertaining to the Judgement dated 04.11.2024 and set aside the Judgement of acquittal passed by the Learned XXVI Magistrate, Egmore, Chennai in STC.No.4932 of 2022 dated 04.11.2024 by allowing the appeal.

For Appellant : Mr.P.Raja

JUDGMENT

This Criminal Appeal has been preferred as against the Judgement dated 04.11.2024 passed in STC.No.4932 of 2022 by the learned XXVI Magistrate, Egmore, Chennai thereby acquitting the



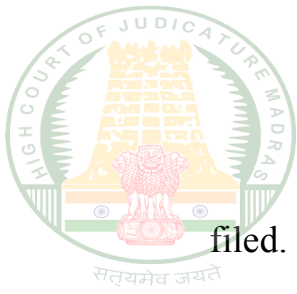
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respondent for the offence under Section 138 of Negotiable Instruments

Act.
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2. The appellant lodged a complaint as against the respondent for the offences under Section 138 of Negotiable Instruments Act alleging that the respondent borrowed a sum of Rs.6,00,000/- from February 2020. In order to repay the said amount, the respondent issued a cheque for a sum of Rs.6,00,000/-. In fact, on 28.06.2022, the respondent also executed the letter of undertaking in Rs.20/- stamp paper thereby undertaken to repay the said loan amount. Thereafter, it was presented for collection however, it was returned for the reason “Payment stopped by Drawer”. After issuing show cause notice, it was taken cognizance by the trial court.

3. Before the trial court, the appellant was examined as P.W.1 and marked Ex.P1 to Ex.P7. On the side of the respondent, the respondent himself was examined as D.W.1 and marked Ex.D1 to Ex.D4. On perusal of the oral and documentary evidences, the trial court found the respondent not guilty of the offences under Section 138 of Negotiable Instruments Act. Aggrieved by the same, the present appeal has been



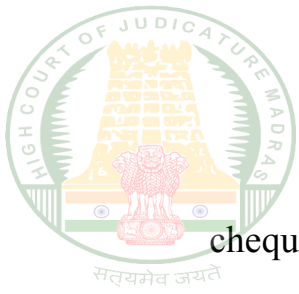
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filed.

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4. The learned counsel for the appellant clearly executed the letter of undertaking in the stamp paper dated 28.06.2022 thereby categorically admitting his liability. In pursuant to his liability, he issued a cheque however, it was returned dishonored for the reason “Payment stopped by Drawer”. The respondent did not deny the signature and also issuance of cheque. Further, the respondent also failed to rebut the presumption. Even then the trial court acquitted the respondent.

5. A perusal of the records reveals that the appellant was examined as P.W.1 during his cross examination. He admitted that from 06.10.2020 onwards there was part payment made by the respondent. Further, the specific case of the respondent is that he had issued three cheques and signed a blank paper for security purpose since he had borrowed a sum of Rs.3,50,000/- from the month of February 2019 to February 2020. Thereafter, the entire loan has been repaid by various installments and the same has been categorically admitted by the appellant. Even after repayment of the entire amount, the appellant failed to return the cheques and blank papers. Even before presentation of the



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cheque, the respondent issued stop payment letter to his bank. Further, the respondent also produced statement of bank account from 01.04.2019 which was marked as Ex.D1. Accordingly, there was money transaction between the respondent and the appellant herein. Hence, the respondent categorically rebutted the presumption and even then the appellant failed to prove that the cheque was issued for any legally enforceable debt. Therefore, the trial court had rightly acquitted the respondent.

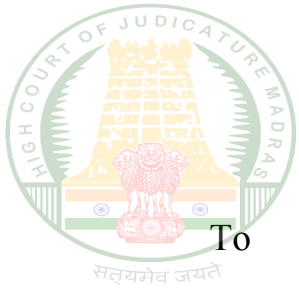
6. In view of the above, this Court finds no infirmity or illegality in the order dated 04.11.2024 passed by the learned XXVI Magistrate, Egmore, Chennai in S.T.C.No.4932 of 2022.

7. Accordingly, the Criminal Appeal is dismissed.

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Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order

Nhs



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To

WEB COPY The learned XXVI Magistrate Court,
Egmore, Chennai



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G.K.ILANTHIRAIYAN, J.

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