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CRL A No. 247 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-11-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL A No. 247 of 2024

1. K.Natarajan
S/o.Kandasamy, No.6/25, Kambar
Street, Mahalingapuram,
Pollachi - 642 002.

Appellant(s)

Vs

1. C.Leelavathi
No.5/39, IE.G.U.Peiry Ghouse, Sriram
Nagar Post, Udumalaipettai. New
Residing at C.Leelavathi, D/o.Chinna
Mariappan, 65, East Kumaralingam,
Palani Road,
Madathukulam Taluk - 642 204.

Respondent(s)

PRAYER

Criminal Appeal filed under Section 374(2) of Criminal Procedure Code, prays
To set aside the order of acquittal in C.C.No.222 of 2019 dated 29.11.2023, on
the file of Judicial Magistrate No.II, Pollachi, Coimbatore District and thus
render justice.

For Appellant(s): Mr.C.Veera Raghavan

For Respondent(s): Mr.C.S.Saravanan
for Mr.A.Kalaivanan

JUDGEMENT

The appellant has filed this appeal, to set aside the order of acquittal in
C.C.No.222 of 2019 dated 29.11.2023, on the file of Judicial Magistrate No.II,
Pollachi, Coimbatore District.



2. The complainant appeared before this Court and submitted all the relevant materials to substantiate the claim under Section 138 of the Negotiable Instruments Act. Before the trial Court, on the side of the complainant, he was examined as P.W.1 and Exs.P1 to P4 were marked, and the Court also marked Ex.C1.

3. The learned counsel for the appellant submitted that the appellant had produced all the documents, however, the learned trial Judge erroneously dismissed the case by observing that, after repayment of the amount nearly two years earlier, the claim did not inspire the confidence of the Court. He further observed that a legally enforceable debt was not proved and that there was no reference to the promissory note allegedly given by the accused. Aggrieved by the said dismissal, the present appeal has been filed.

4. The learned counsel for the appellant further submitted that the signature on the cheque was not denied by the respondent/accused and that the Court below failed to appreciate the statutory presumption attached to Section 138 of the Negotiable Instruments Act. In spite of the same, the case was dismissed, which is erroneous and liable to be set aside.



5. When the matter was taken up for hearing, the respondent herself appeared before this Court and agreed to settle the issue for a sum of Rs.3,00,000/-. Considering the same, this Court adjourned the matter on two occasions in order to enable settlement. However, as on date, the respondent failed to settle the matter. Though she appeared before this Court in person on the previous day as well, her conduct clearly proves that she is not inclined to settle the issue.

6. On a perusal of the records, it is evident that the complainant has proved the existence of a legally enforceable debt through the evidence of P.W.1, which has not been denied by the accused. Therefore, the findings of the trial Court are liable to be set aside. **Accordingly, the Criminal appeal is allowed.**

7. Considering the fact that the respondent had earlier assured this Court that she would settle the issue, she is granted time to pay a sum of Rs.4,00,000/- within a period of six weeks from the date of receipt of a copy of this order. Failing such payment, the respondent shall undergo simple imprisonment for a period of one year and shall also pay a fine of Rs.4,00,000/-, as contemplated under Section 138 of the Negotiable Instruments Act.



8. The trial Court is directed to take steps to secure the custody of the accused to undergo the remaining period of sentence, if any.

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Index: Yes/No
Speaking/Non-speaking order
Internet: Yes
Neutral Citation: Yes/No
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To

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2. The Judicial Magistrate No.II,
Pollachi, Coimbatore District.



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T.V.THAMILSELVI J.
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