



Crl.A.No.326 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.08.2025

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THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.A.No.326 of 2014

P.Kannan

...Appellant

Vs.

S.Jagadeesh

...Respondent

This Criminal Appeal is filed under Section 378 of Criminal Procedure Code against the order of acquittal passed in S.T.C.No.517 of 2010 on the file of the learned Judicial Magistrate No.III, Coimbatore dated 21.01.2013.

For Appellant : Mr.V.Sivakumar

For Respondent : Mr.Arun Anbumani Amicus Curiae

JUDGMENT

This appeal challenges the judgement of the learned Judicial Magistrate No.III, Coimbatore dated 21.01.2013 made in S.T.C.No.517 of 2010. By the said judgement, the accused was acquitted of an offence under Section 138 of the Negotiable Instruments Act, 1881.

2. The case of the complainant is that in discharge of the loan obtained by the accused, the accused issued a cheque dated 31.03.2010



Crl.A.No.326 of 2014

for sum of Rs.2,50,000/- and when the same was deposited for collection,

it returned dishonoured with an endorsement “funds insufficient” and therefore after issuing demand notice, since the amount remains unpaid, the complaint was filed.

3. Upon recording a sworn statement, summons were issued to the accused and upon appearance and furnishing of copies, the accused denied the allegations. In order to prove the allegations, the complainant examined himself as P.W.1 and exhibits P1 to P4 were marked. Upon questioning about the incriminating evidence and the circumstances on record, the accused denied the same as false. Thereafter, no evidence was let in on behalf of the defence.

4. The trial Court considered the arguments of both sides and considered the fact that the accused had specifically denied even the signature in the cheque. The complainant was duly cross examined about the signature in the cheque. The complainant was duly cross examined by showing the signature made by the accused in the Court with reference to his admitted signature in the questioning. Even though the complainant admitted that the signature visibly varies, no steps were taken by the



Crl.A.No.326 of 2014

WEB COPY

complainant in that regard. The trial court by holding that the complainant ought to have taken steps to prove the signature and also by further entering into a finding that even for the naked eye, the admitted signature of the accused before the Court made during the questioning and the signature in the cheque varies, rendered a finding of acquittal by holding that it was the bounden duty of the complainant to have proved that the accused had issued the cheque.

5. In view thereof, such finding that is made after due appreciation of evidence cannot be termed as perverse finding or an impossible view therefore this appeal against acquittal is bound to fail in this accordingly dismissed.

11.08.2025

RAP

NCC : Yes / No

To

The Judicial Magistrate No.III, Coimbatore



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Crl.A.No.326 of 2014

D.BHARATHA CHAKRAVARTHY.J.,

RAP

Crl.A.No.326 of 2014

11.08.2025