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Crl.A.No.922 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.07.2025

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

Crl.A.No.922 of 2025

P.Vellingiri

.....

Petitioner

Vs

Ramakrishnaraj

.....

Respondent

Prayer: Criminal Appeal filed under Section 419 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to set aside the Judgment made in C.C.No.47 of 2018 by the learned Judicial Magistrate – I, Pollachi dated 16.12.2024.

For Appellant : Mr.M.N.Balakrishnan

JUDGMENT

This Criminal Appeal has been preferred against the Judgment dated 16.12.2024 passed in C.C.No.47 of 2018 by the learned Judicial Magistrate No.I, Pollachi, thereby dismissing the complaint filed by the appellant and acquitted the respondent for the offence punishable under Section 138 of the Negotiable Instruments Act.

2. The appellant is the complainant and the respondent is the



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accused in the complaint filed for the offence punishable under Section 138 of the Negotiable Instruments Act. It is the case of the appellant that the respondent borrowed a sum of Rs.5,50,000/- as a hand loan on 25.10.2017. In order to repay the said amount, the respondent issued a cheque. When the said cheque was presented for collection, it was returned dishonoured with the endorsement "Funds Insufficient". After causing a statutory notice, the appellant filed the present complaint, which was taken cognizance by the Trial Court.

3. On the side of the appellant, P.W.1 was examined and Exs.P1 to P5 were marked. On the side of the accused, D.Ws.1 & 2 were examined and Exs.D1 to D13 and C1 were marked. On perusal of the oral and documentary evidence, the Trial Court found the respondent not guilty of the offence punishable under Section 138 of Negotiable Instruments Act and acquitted him. Aggrieved by the same, the present Criminal Appeal has been filed.

4. The learned counsel appearing for the appellant submitted that the respondent had categorically admitted both the signature and the issuance of the cheque. The appellant had discharged his initial burden as contemplated under Section 138 of the Negotiable



Instruments Act and the Trial Court, without properly appreciating the evidence on record, mechanically acquitted the respondent.

5. Heard the learned counsel appearing for the appellant and perused the materials available on record.

6. A perusal of the records reveals that the specific defence of the respondent was that the cheque was issued only as a security purpose, along with one more cheque, a promissory note and a signed stamp paper, all of which were allegedly misused by the appellant. According to the respondent, he borrowed a sum of Rs.10,000/- and Rs.20,000/- and Rs.50,000/-, which were subsequently repaid through transactions in the coconut business. It is an admitted fact that there were business dealings in coconuts between the parties, who are also related. In support of his defence, the respondent marked Exs.D1 to D13. There was also an exchange of notice between the parties.

7. That apart, the respondent also lodged a complaint and the same was forwarded to the Inspector of Police, Chettipalayam Police Station. On the complaint, an enquiry was conducted, after calling upon



the appellant and two others. Further, another cheque was also misused by the appellant in the name of one Aruchamy Gounder and issued statutory notice under Section 138 of the Negotiable Instruments Act. Similarly, the signed stamp paper was also handed over to another person, namely Saravana Moorthy, who had filed a suit against the respondent. Even then, the appellant failed to prove that the cheque was issued for legally enforceable debt. Hence, the Trial Court rightly acquitted the respondent.

8. In view of the above, this Court finds no infirmity or illegality in the Judgment dated 16.12.2024 passed in C.C.No.47 of 2018 by the learned Judicial Magistrate No.I, Pollachi. Accordingly, this Criminal Appeal stands dismissed.

15.07.2025

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

The Judicial Magistrate No.I,
Pollachi.



WEB COPY

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G.K.ILANTHIRAIYAN, J.

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WEB COPY



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