



Crl.A.No.449 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 05.06.2025

CORAM:

THE HONOURABLE MR. JUSTICE **D.BHARATHA CHAKRAVARTHY**

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M/s.Sree Gokulam Chits and Finance Company Private Limited,
By its Managing Director and Foreman
and having a branch office at No. 443,
Venkatesh Complex, Palakkad Main Road,
Kuniamuthur, Coimbatore – 641 008.
Rep. by his Power Agent Mr.Harikrishnan,
S/o.Ramaswamy, No. 830,
Brilliant Building,
X-Cut Road, Gandhipuram,
Coimbatore – 12.

...Appellant

Vs.

V.Guru

...Respondent

PRAYER: Criminal Appeal filed under Section 378(4) of Criminal Procedure Code to call for the records in C.C.No. 311/2006 on the file of the Judicial Magistrate No. II Court, Coimbatore, set aside the order of acquittal dated 13.02.2008 passed by the learned Magistrate for an offence under Section 138 of Negotiable Instruments Act.

For Appellant : Mr.L.Rajasekar

For Respondent : No appearance (not ready in notice)



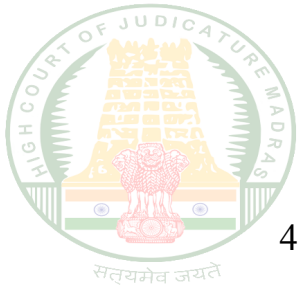
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ORDER

WEB COPY This is an appeal against acquittal, filed against the judgment of the Judicial Magistrate No. II, Coimbatore, made in C.C.No. 311 of 2006 dated 13.02.2008.

2. Heard the learned counsel appearing on behalf of the appellant. Apart from arguing on merits, the learned counsel appearing for the appellant submits that if one more opportunity is granted, the respondent will be traced out and notice will be served at the correct address.

3. Upon perusal of the judgment of the Trial Court, it can be seen that the cheque was claimed to be issued in respect of a debt with reference to a chit transaction of the year 1997. The Trial Court found that the cheque was claimed to have been issued eight years after the amount was found to be due on 22.03.1997 and therefore did not believe the complainant's version. The Trial Court also considered the manner in which the cheque was filled up, by different inks and factually found that the case of the complainant could not be accepted that the cheque was issued for a legally existing debt and acquitted the accused.



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4. I do not find the findings of the Trial Court perverse or without any materials. It can also be seen that even as per the complainant's case, the chit amount was due in the year 1997 and the cheque was issued in the year 2006 and this appeal is also pending from the year 2011 without service of notice on the respondent. Be that as it may, even on merits, no ground exists for this Court to overturn the finding of acquittal. Therefore, I am of the view that the appeal deserves to be dismissed.

5. In view thereof, finding no merits, this Criminal Appeal stands dismissed. No costs.

05.06.2025

Neutral Citation: Yes/No
nsl

To
The Judicial Magistrate No. II Court,
Coimbatore



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D.BHARATHA CHAKRAVARTHY, J.

ns1

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