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CrI.A.No.1345 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2025

CORAM:

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

CrI.A.No.1345 of 2025

S.Pandiyammal

... Appellant

Vs.

S.Chandran

... Respondent

PRAYER: Criminal Appeal filed under Section 419 of BNSS, praying to call for the records of the acquittal judgment passed by the learned Fast Track Court No.I, Judicial Magistrate, Coimbatore on 22.07.2024 in CC.No.526 of 2018 and set aside the same with costs.

For Appellant : M/s.R.Nivedha

For Respondent : Mr.R.Nandhakumar

JUDGMENT

This criminal appeal has been preferred against the acquittal judgment passed by the learned Fast Track Court No.I, Judicial Magistrate, Coimbatore on 22.07.2024 in CC.No.526 of 2018, thereby dismissing the complaint and acquitting the respondent for the offence



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punishable under Section 138 of NI Act.

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2. The appellant lodged complaint alleging that the respondent borrowed a sum of Rs.4,00,000/- with interest of 30% per annum. In order to repay the same, the respondent issued a cheque for a sum of Rs.4,50,000/- and the same was presented for collection. It was returned dishonoured for the reason 'funds insufficient'. After causing statutory notice, complaint was filed and the same was taken cognizance by the trial court.

3. In order to prove the complaint, the appellant was examined as PW1 and marked Ex.P1 to Ex.P8. On the side of the respondent, no one was examined and no documents were produced. On perusal of oral and documentary evidences, the trial court found the respondent not guilty and dismissed the complaint. Aggrieved by the same, the present criminal appeal has been filed by the complainant.

4. The learned counsel for the appellant would submit that the appellant discharged her initial burden. Even then, the trial court dismissed the complaint.



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5. Heard, the learned counsel appearing on either side and perused all the materials placed before this Court.

6. On perusal of records, it is revealed that the specific case of the appellant was that she and her husband lent a huge sum of Rs.30,00,000/- from 08.08.2016 to 08.11.2017 in 1 year and three months. However, PW1 deposed that her husband used to earn a sum of Rs.70,000/- to Rs.80,000/- per month by selling tea using TVS-50 two wheeler. Therefore, the annual income would be Rs.9,60,000/-, for which filing of income tax returns and payment of income tax is mandatory. Even then, the income tax was not paid. As such, the financial capacity of the appellant was not proved and the trial court rightly dismissed the complaint and acquitted the respondent. As such, this criminal appeal is liable to be dismissed.

7. Accordingly, this criminal appeal is dismissed.

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Index : Yes/No
Neutral citation : Yes/No
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To
The learned Fast Track Court No.I, Judicial Magistrate, Coimbatore



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G.K.ILANTHIRAIYAN, J.

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