



CrI.A.No.1348 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2025

CORAM:

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

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M.Sekaran
duly rep.by his power of attorney holder,
Pandiammal
(on the demise of Sekaran in his place
Pandiyammal has been substituted vide order
passed in CMP.No.1862 of 2023 dated 17.07.2023) ... Appellant
Vs.

Sindhu ... 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.210 of 2020 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



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Magistrate, Coimbatore on 22.07.2024 in CC.No.210 of 2020, thereby dismissing the complaint and acquitting the respondent for the offence punishable under Section 138 of NI Act.

2. The appellant lodged complaint alleging that the respondent borrowed a sum of Rs.7,00,000/- on 01.05.2017 and Rs.3,00,000/- on 31.08.2017, in total Rs.10,00,000/- with interest at 36% per annum. In order to repay the same, the respondent issued a cheque for a sum of Rs.13,00,000/- 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.P11. 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.



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

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 the respondent and others had borrowed a sum of Rs.30,00,000/- from the period 08.08.2016 to 08.11.2017 that is within a period of one year and three months. However, Ex.P11, which is the legal notice dated 11.06.2018 issued by the sister of the respondent i.e. Geetha, has been probabalised by the own words of PW1 in respect of one, Geetha's husband Chandran not knowing about the loan transaction between Pandiyammal and Geetha, PW1 not returning the security documents on the pretext of handing it over to some other persons, who went to Malaysia and PW1 already lodged police complaint before Thudiyalur Police Station, which are suppressed in the complaint. Therefore, the security documents handed over by the said Geetha has been misused. As such, the trial court rightly dismissed the complaint and acquitted the respondent.



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7. Accordingly, this criminal appeal is dismissed.

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