



Crl.A.No.859 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated : 10.07.2025

CORAM

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

Crl.A.No.859 of 2025

N.Natarajan

.....

Appellant

Vs

P.Raghavan

.....

Respondent

Prayer: Criminal Appeal filed under Section 419 BNSS to call for the records in C.C.No.378 of 2018 on the file of learned Judicial Magistrate, Fast Track Court, Magisterial Level – II Coimbatore, dated 27.01.2025 and set aside the judgment of acquittal.

For Appellant : Mr. R.Ganesh Babu

JUDGMENT

This appeal has been preferred as against the judgment dated 27.01.2025 C.C.No.378 of 2018 on the file of learned Judicial Magistrate, Fast Track Court, Magisterial Level – II Coimbatore, thereby acquitting the respondent for the



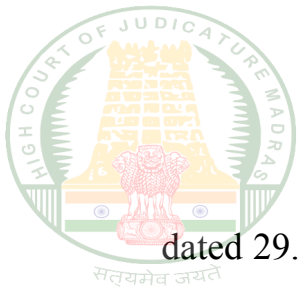
offence punishable under Section 138 NI Act.

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2. The appellant filed a complaint for the offence punishable under Section 138 of NI Act, as against the respondent alleging that he owned land to an extent 60 cents and the respondent agreed to purchase the same and also entered into an agreement for sale. Accordingly the sale deed was executed in favour of the respondent. However, the respondent failed to pay the balance sale consideration for which he issued a cheque. The said cheque was presented for collection and the same was returned dishonoured for the reason “Account blocked”. After issuing statutory notice the appellant filed the complaint.

3. On the side of the appellant, he had examined P.W.1 to P.W.3 and marked Exs.P1 to P11. On the side the respondent no one was examined and no document was marked. On perusal of the oral and documentary evidence the trial Court found the respondent not guilty and acquitted the same. Aggrieved by the same the present appeal.

4. On a perusal of the records it is revealed that the cheque was issued in the year 2018 for a sum of Rs.5,40,000/-. Whereas, the agreement of sale is



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dated 29.09.2005 and subsequently the sale deed was executed in the year 2005

itself. According to the appellant, the respondent failed to pay the balance sale consideration of Rs.5,40,000/- for which he had issued cheque in the year 2018.

The debt itself is barred by limitation. Though the respondent did not deny his signature and issuance of cheque, the debt itself is barred by limitation and as such the cheque was not issued for any legally enforceable debt. That apart no prudent person would execute the sale deed without receiving entire sale consideration. Further the appellant did not take any action for balance sale consideration for the past 12 years i.e. till the issuance of alleged cheque. Therefore, the respondent categorically rebutted the presumption and the appellant failed to prove that the cheque was issued for any legally enforceable debt. Hence, the trial Court rightly acquitted the respondent and this Court finds no infirmity or illegality in the order passed by the trial Court.

5. Accordingly, this Criminal Appeal is dismissed.

10.07.2025

Index : Yes/No

Neutral citation : Yes/No

Speaking/non-speaking order

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To

The Magistrate, Fast Track Court, Magisterial Level – II Coimbatore.



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G.K.ILANTHIRAIYAN, J.

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