



Crl.A.No.836 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.07.2025

CORAM:

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

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K.J.Ananda Raj

... Appellant

Vs.

E.Saravanan

... Respondent

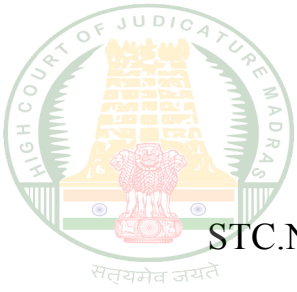
PRAYER:

Criminal Appeal filed under Section 378 of Cr.P.C., praying to set aside the order of the learned XXV Metropolitan Magistrate, Egmore, Chennai-8 made in STC.No.7522 of 2022 dated 21.04.2025 and allow this criminal appeal as per law.

For Appellant : Mr.K.Sundaram

JUDGMENT

This criminal appeal has been preferred against the order of the learned XXV Metropolitan Magistrate, Egmore, Chennai-8 made in



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STC.No.7522 of 2022 dated 21.04.2025, thereby dismissing the complaint and acquitting the respondent for the offence punishable under Section 138 of NI Act.

2. The appellant is the complainant and the respondent is the accused in the complaint for the offence punishable under Section 138 of NI Act. It was alleged that the respondent borrowed a sum of Rs.60,000/- and in order to repay the same, he issued cheque for a sum of Rs.60,000/- It was presented for collection. However, it was returned dishonoured for the reason 'funds insufficient'. After causing statutory notice, the complaint was filed and the same was taken cognizance by the trial court.

3. In order to prove the complaint, the appellant had examined himself as PW1 and marked Ex.P1 to Ex.P5. On the side of the respondent, no one was examined and no documents were marked. 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 had discharged his initial burden as contemplated under Section 138 of NI Act. Though he admitted that the loan transaction was of the year 2016, due to corona and other circumstances, the appellant could not able to take any action against the respondent for return of money. Even then, the trial court, without considering the same, mechanically acquitted the respondent.

5. Heard, the learned counsel for the appellant and perused, all the materials placed before this Court.

6. On perusal of records, it is revealed that the appellant was examined as PW1. He categorically admitted that he had lent loan amount to the respondent in the year 2016. The cheque which was marked as Ex.P1, was issued by the respondent only in the year 2022. Therefore, the debt itself is barred by limitation. Hence, the cheque was not issued for any legally enforceable debt. Therefore, the respondent categorically rebutted the presumption and even then, the appellant failed to prove that the cheque was issued for any legally enforceable debt. Hence, the trial court rightly dismissed the complaint and this Court finds no infirmity or illegality in the impugned judgment.



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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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The learned XXV Metropolitan Magistrate, Egmore, Chennai-8



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G.K.ILANTHIRAIYAN, J.

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