



Crl.A.No.987 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.07.2025

CORAM:

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

Crl.A.No.987 of 2025

M/s Sree Gokulam CHIT AND FINANCE CO.(P) LIMITED

Rep. By its Vice Chairman Mr.V.C Praveen

Having corporate office at:

No.66, Arcot Road, Kodampakkam,
Chennai-600 024.

Having Branch Office at:

Gudalur Branch
T.P.A.Building, Ooty-Mysore Road,
Gudalur Bazaar Post, Gudalur Taluk,
The Nilgiris.

.... Appellant

Vs

P.Srianandan

..... Respondent

PRAYER: Criminal Appeal is filed under Section 419 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to call for the records and Judgment
acquitting the Respondent/Accused in S.T.C.No.2029 of 2013 dated
14.02.2025 passed by the Hon'ble Principal District Munsif Cum Judicial
Magistrate, Gudalur and set aside the same.

For Appellant : Mr.L.Rajasekar



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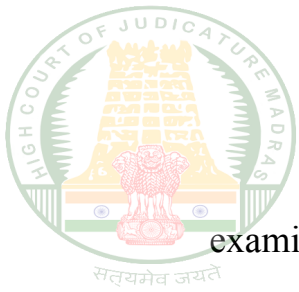
J U D G M E N T

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This Criminal Appeal has been preferred as against the judgment dated 14.02.2025 passed in S.T.C.No.2029 of 2013 on the file of the Principal District Munsif-cum-Judicial Magistrate, Gudalur thereby acquitting the respondent for the offences punishable under Section 138 of Negotiable Instruments Act.

2. The respondent is the accused in the complaint lodged by complainant for the offences punishable under Section 138 of Negotiable Instruments Act alleging that one Raju subscribed to the chit conducted by the Appellant for a sum of Rs.2,00,000/-. Thereafter, the prize chit money was paid to said Raju for which, the respondent stood as a guarantor. After a receipt of a prize cheque money, the said Raju committed a default and as such the cheque was presented for collection to the tune of prize cheque money. However, it was returned dishonored for the reason “Funds Insufficient”. After issuing show cause notice, the Appellant lodged a complaint as against the respondent, which was taken cognizance by the trial court.

3. Before the trial court, on behalf of the appellant, they

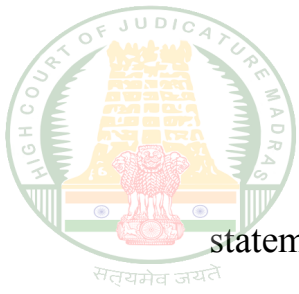


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examined P.W.1 and marked Ex.P1 to Ex.P8. On the side of the Respondent, no one were examined and no documents were marked before the trial court. On perusal of the oral and documentary evidences, the trial court found the respondent not guilty for the offences under Section 138 of Negotiable Instruments Act. Aggrieved by the same, the present Appeal has been filed.

4. The learned counsel appearing for the appellant would submit that the respondent did not deny the signature found in the cheque and also the issuance of cheque. The respondent and the accused categorically admitted the liability and assured that prize cheque amount will be repaid by way of monthly subscription. However, they failed to repay the amount and as if the cheque was presented for collection. Further, the respondent failed to rebut the presumption and even then the trial court acquitted the respondent.

5. A perusal of the records reveals that admittedly, the respondent stood as a guarantor for one Raju. The said Raju has received the prize chit loan from the appellant. Subsequently, there was some repayment by him. That apart, the appellant failed to produce any



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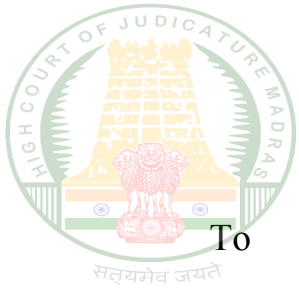
statements of account to show that the said Raju was paid prize cheque amount. Further, there was also no acknowledgment to show that the Appellant stood as a guarantor though the prize cheque money received by the said Raju. Therefore, the appellant was examined as P.W.2. In his cross examination, it is categorically illustrated the respondent rebutted the presumption. However, the appellant failed to prove that the cheque issued for legally enforceable debt. Hence, the trial court rightly acquitted the respondent.

6. In view of the above, this Court finds no infirmity or illegality in the judgment dated 14.02.2025 passed in S.T.C.No.2029 of 2013 on the file of the learned Principal District Munsif-cum-Judicial Magistrate, Gudalur.

7. Accordingly, the Criminal Appeal stands dismissed.

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



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To

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The learned Principal District Munsif-cum-Judicial Magistrate,
Gudalur.



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G.K.ILANTHIRAIYAN, J.

Nhs

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