



Crl.A.No.1015 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.07.2025

CORAM

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

Crl.A.No.1015 of 2025

Bhavesh Betala

.....

Appellant

Vs

I.Sadam Hussain

.....

Respondent

PRAYER : Criminal Appeal has been filed under Section 415(2) of Bharatiya Nagarik Suraksha Sanhita, 2023, praying to allow the appeal by setting aside the Judgment of acquittal of respondent/accused passed by the learned Metropolitan Magistrate cum Fast Track Court No.1, Egmore, Chennai in STC.No.9816 of 2024, dated 25.03.2025 and convict the respondent/accused for the offences under section 138 of the Negotiable Instruments Act, 1881.

For Appellant : Mr.S.Hariprasad

JUDGMENT

This Criminal Appeal has been preferred as against the Judgment dated 25.03.2025 passed in STC No. 9816 of 2024 by the Metropolitan Magistrate-cum-Fast Track Court No.I, Egmore, Chennai, thereby dismissing the complaint filed by the appellant and acquitted the respondent for the offence punishable under Section 138 of the Negotiable Instruments Act.



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2. The appellant filed a complaint against the respondent for the offence punishable under Section 138 of the Negotiable Instruments Act. It is alleged that, on 16.11.2019, the appellant had lent a sum of Rs.5,00,000/- to the respondent. In order to repay the said amount with interest, the respondent issued a cheque for a sum of Rs.5,20,000/-. When the said cheque was presented for collection, it was returned dishonoured with an endorsement “funds insufficient”. After issuance of the statutory notice, the appellant filed the present complaint, which was taken cognizance by the Trial Court.

3. Before the Trial Court, on the side of the appellant, P.W.1 was examined and Exs.P1 to P7 were marked. On the side of the respondent/accused, no witnesses were examined and no documents were marked.

4. On perusal of the oral and documentary evidence, the Trial Court found the respondent not guilty of the offence punishable under Section 138 of the Negotiable Instruments Act and acquitted him. Aggrieved by the same, the present Criminal Appeal has been filed.

5. The learned counsel appearing for the appellant submitted that



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though the respondent did not deny the signature and also issuance of the cheque, the Trial Court mechanically acquitted the respondent on the ground that the claim was barred by limitation. Once the respondent admitted the liability and issued the cheque, the question of limitation could not have been a ground for acquittal. Further, the respondent has also failed to rebut the presumption and even then, the Trial Court dismissed the complaint.

6. Heard the learned counsel appearing for the appellant and perused the materials available on record.

7. On a perusal of the records, it is revealed that, according to the appellant, the respondent borrowed a sum of Rs.5,00,000/- on 16.11.2019. In order to repay the said amount, the respondent issued a cheque for a sum of Rs.5,20,000/- on 14.05.2024. However, during the interregnum period, the respondent neither paid any interest nor issued any acknowledgment of liability. Thus, the claim was clearly barred by limitation, since the appellant ought to have demanded repayment of the loan within a period of three years from the date of borrowal. Therefore, the Trial Court rightly dismissed the complaint and acquitted the respondent.



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8. In view of the foregoing reasons, this Court finds no infirmity or illegality in the Judgment dated 25.03.2025 passed in STC No. 9816 of 2024 by the Metropolitan Magistrate-cum-Fast Track Court No.I, Egmore, Chennai. Accordingly, this Criminal Appeal stands dismissed.

21.07.2025

Speaking order/Non-speaking order

Index :Yes/No

Internet :Yes/No

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To

The Metropolitan Magistrate-cum-Fast Track Court No.1,
Egmore, Chennai

G.K.ILANTHIRAIYAN, J.

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