



CrI.A.No.943 of 2025

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 15.07.2025

CORAM:

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

CrI.A.No.943 of 2024

Arul Prabhu

..... Appellant

Vs

P.Moses

..... Respondent

Prayer: Criminal Appeal is filed under Section 378 of Criminal Procedure Code to set aside the order of acquittal dated 21.06.2024 made in C.C.No.359 of 2020 on the file of the learned Judicial Magistrate, FTC No.I, Coimbatore by allowing this Criminal Appeal.

For Appellant : Mr.J.Goodwin

J U D G M E N T

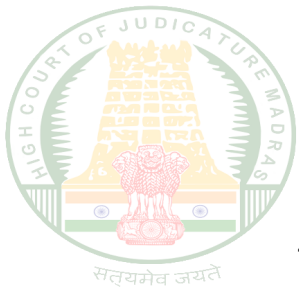
This Criminal Appeal has been preferred as against the Judgment of acquittal passed in C.C.No.359 of 2020 dated 21.06.2024 on the file of the Judicial Magistrate, Fast Track Court No.I, Coimbatore, thereby acquitting the respondent for the offences under Section 138 of Negotiable Instruments Act.



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2. The Appellant had lodged a complaint against the respondent for the offences punishable under Section 138 of Negotiable Instruments Act alleging that the respondent and his friend namely Ravi had borrowed a sum of Rs.2,50,000/- from the Appellant. A sum of Rs.2,50,000/- was transferred to Ravi's account bearing number 475757287 and sum of Rs.1,50,000/- was received by the respondent way of cash. In order to repay the said amount, the respondent issued four cheques and they were presented for collection. The cheques were returned dishonored for the reason "Funds Insufficient". After issuing show cause notice, the Appellant lodged a complaint under Section 138 of the Act and the same was taken cognizance by the trial court. On the side of the Appellant, they examined P.W.1 and P.W.2 and marked Ex.P1 to Ex.P14. On the side of the Accused, no one was examined and no documents were marked.

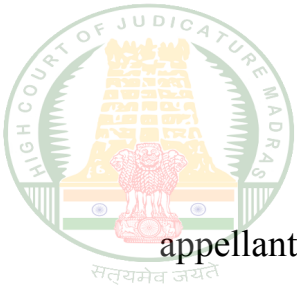
3. On perusal of the oral and documentary evidences, the trial court found the respondent not guilty for the offence under Section 138 of Negotiable Instruments Act. Aggrieved by the same, the present Appeal has been filed.



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4. The learned counsel for the Appellant would submit that though the respondent categorically admitted the issuance of cheque, the trial court had acquitted the respondent herein. The appellant had discharged his initial burden as contemplated under Section 138 of the Negotiable Instruments Act. Even when the respondent failed to rebut the presumption, the trial court acquitted the respondent herein.

5. A perusal of the materials placed on record, reveals that even according to the petitioner, a sum of Rs.2,50,000/- was transferred in favour of one Ravi, a sum of which, 1,50,000/- was paid to the respondent by way of cash. Further in order to settle both the amounts, the respondent issued cheques. The specific defence of the respondent was that the said Ravi repaid the entire loan amount borrowed by him. On receipt of the statutory notice, the respondent issued reply notice stating that the substantial liability by the said Ravi was discharged. Further, the respondent never borrowed any loan as alleged by the appellant herein. On several occasions, the loan amount was repaid to the appellant herein and the same has also been admitted during his cross examination. Further, the respondent never assured that the alleged loan borrowed by the said Ravi would be repaid by the respondent herein and the



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appellant had also admitted that apart from the several payments, a sum of Rs.1,30,000/- was repaid by the said Ravi and a sum of Rs.50,000/- was repaid by the respondent herein from his wife and mother-in-law's account. Therefore, the respondent categorically rebutted the presumption and as such the trial court rightly acquitted the respondent.

6. In view of the above, this Court finds no infirmity or illegality in the order dated 21.06.2024 passed by the learned Judicial Magistrate, Fast Track Court No.I, Coimbatore in C.C.No.359 of 2020.

7. In the result, the Criminal Appeal is dismissed.

15.07.2025

Index : Yes/No
Internet : Yes/No
Speaking/Non Speaking order

Nhs

To

The learned Judicial Magistrate, Fast Track Court-I,
Coimbatore.



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G.K.ILANTHIRAIYAN. J.

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