



Crl.A.No.566 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2025

CORAM:

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

Crl.A.No.566 of 2025

Ammulu Jollu

... Appellant

Vs.

V.Saranya

... Respondent

PRAYER: Criminal Appeal filed under Section 378 of Cr.P.C./under Section 419 of BNSS, praying to call for the records relating to the judgment passed by the learned XXVI Metropolitan Magistrate Court, Egmore, Chennai in STC.No.310 of 2023 dated 22.04.2024 by acquitting the respondent/accused for offence under Section 138 of Negotiable Instruments Act and set aside the same and allow the appeal.

For Appellant : Mr.R.Radha Pandian

JUDGMENT

This criminal appeal has been filed against the judgment passed by the learned XXVI Metropolitan Magistrate Court, Egmore, Chennai in STC.No.310 of 2023 dated 22.04.2024, thereby the respondent was acquitted of the offences punishable under Section 138 of NI Act.



Crl.A.No.566 of 2025

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2. The appellant filed complaint against the respondent for the offences punishable under Section 138 of NI Act alleging that the appellant subscribed to a chit conducted by the respondent in the year 2017 to the tune of Rs.13 lakhs. In order to repay the chit amount, the respondent issued a cheque for a sum of Rs.12 lakhs by way of two cheques. Both the cheques were presented for collection. However, both were returned dishonoured for the reason 'funds insufficient'. After causing statutory notice, the appellant lodged complaint.

3. On the side of the appellant, she had examined herself as PW1 and marked Ex.P1 to P6. 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 acquitted the respondent of the offences punishable under Section 138 of NI Act by the impugned judgment.

4. The learned counsel for the appellant would submit that the trial court acquitted the respondent of the offences punishable under Section 138 of NI Act only on the ground that the time itself is barred by

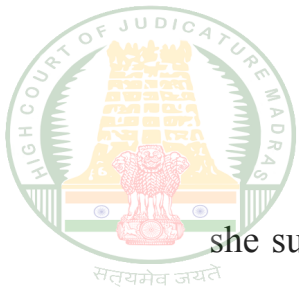


Crl.A.No.566 of 2025

limitation. He further submitted that the respondent did not even examine any witness to disprove the case of the appellant and did not deny the signature and the issuance of the cheque. Therefore, the trial court ought to have convicted the respondent for the offences punishable under Section 138 of NI Act.

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

6. On perusal of the records, it is revealed that even according to the appellant, she entered into a chit with the respondent in the year 2017 and paid a sum of Rs.13 lakhs. However, the appellant did not insist for return of the money for the reason that on the request of the appellant the amount can be returned after some time. Thereafter, in the year 2022, in order to return the said amount, on 27.06.2022, both the cheques were issued in favour of the appellant. Therefore, the cheques were issued after a period of five years from the due date. Hence, the claim of the appellant is barred by limitation and also both the cheques were not issued for any legally enforceable debt. That apart, on perusal of the records, it is further revealed that though the appellant alleged that



Crl.A.No.566 of 2025

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she subscribed to a chit to the tune of Rs.13 lakhs, the appellant did not even produce any piece of evidence to show that she subscribed to a chit to the tune of Rs.13 lakhs with the respondent. That apart, on one hand, the appellant stated that she entered into a chit with the respondent and she stated on the other hand that the respondent borrowed loan for construction of her house. Therefore, the appellant failed to prove that the cheques were issued for any legally enforceable debt. Hence, this Court finds no infirmity or illegality in the impugned judgment and as such, this criminal appeal is liable to be dismissed.

7. Accordingly, this criminal appeal is dismissed.

06.06.2025

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



Crl.A.No.566 of 2025

WEB COPY

To

The learned XXVI Metropolitan Magistrate Court, Egmore, Chennai



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Crl.A.No.566 of 2025

G.K.ILANTHIRAIYAN, J.
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Crl.A.No.566 of 2025

06.06.2025