



Crl.A.No.898 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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Rathinamma

... Appellant

Vs.

A.N.Sreekanth

... Respondent

PRAYER: Criminal Appeal filed under Section 419(4) of BNSS, 2023, praying to set aside the order of acquittal dated 01.08.2024 passed in CC.No.6271 of 2017 on the file of the Metropolitan Magistrate cum FTC at Magistrate Level-2, Egmore.

For Appellant : Mr.B.Singaravelu

JUDGMENT

This criminal appeal has been preferred against the order of acquittal dated 01.08.2024 passed in CC.No.6271 of 2017 on the file of the Metropolitan Magistrate cum FTC at Magistrate Level-2, Egmore, thereby acquitting the respondent for the offence punishable under Section 138 of NI Act.

2. The appellant lodged complaint against the respondent for



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the offence punishable under Section 138 of NI Act alleging that the respondent borrowed loan and in order to repay the same, the respondent issued two cheques for a sum of Rs.8,00,000/-(each). Both the cheques were presented for collection. However, both were returned dishonoured for the reason 'account closed'. After causing statutory notice, the appellant lodged the complaint.

3. In order to prove the complaint, the appellant examined herself as PW1 and marked Ex.P1 to Ex.P8. On the side of the respondent, no one was examined and no documents were produced. On perusal of oral and documentary evidences, the trial court found the respondent not guilty and acquitted him. Aggrieved by the same, the present criminal appeal has been filed by the complainant.

4. It is the case of the appellant that the respondent categorically admitted his signature and as such, the appellant had discharged her initial burden as contemplated under Section 138 of NI Act.

5. On perusal of records, it is revealed that the appellant was



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examined as PW1 and she deposed in her cross examination that the

alleged amount was borrowed from her daughter and she did not know

about any transaction between her daughter and the respondent herein.

There is no document to show that the cheque was made over in favour

of the appellant. The specific case of the respondent was that the cheque

was not at all issued for any legally enforceable debt since the respondent

did not borrow any amount from the appellant. Further, the appellant also

did not whisper on what date the respondent borrowed such huge amount

of Rs.16,00,000/-. Therefore, the respondent categorically rebutted the

presumption and the appellant failed to prove that the cheque was issued

for any legally enforceable debt. Hence, the trial court rightly acquitted

the respondent and this Court finds no infirmity or illegality in the

impugned judgment.

6. 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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G.K.ILANTHIRAIYAN, J.
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To

The learned Metropolitan Magistrate cum FTC at Magistrate Level-2,
Egmore.

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