



Crl.A.No.1005 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.10.2025

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.A.No.1005 of 2022

S.P.Kandasamy

... Appellant/complainant

Versus

1.M.Easwaramoorthi

2.D.Gandhimathi

... Respondents/A1 & A2

PRAYER : Criminal Appeal filed under Section 378 of Cr.P.C. praying to set aside the order of acquittal dated 16.11.2010 made in S.T.C.No.151 of 2007 on the file of Judicial Magistrate, Tiruchengode.

For Appellant : Mr.M.Guruprasad

For Respondents : Mr.N.A.Nissar Ahmed

J U D G M E N T

The appellant as complainant filed a private complaint under Section 138 of the Negotiable Instruments Act ('N.I. Act') against the respondents in S.T.C.No.151 of 2007. The trial Court, by a judgment dated 16.11.2010 dismissed the complaint, acquitted the respondents, against which, the present appeal has been filed.

2.The learned counsel for the appellant/complainant submitted that the trial Court acquitted the respondents merely on the ground that the



Crl.A.No.1005 of 2022

complainant failed to file a petition to condone the delay of 4 days in filing the complaint. The trial Court failed to look into the fact that after ratifying the delay, complaint taken on file, full-fledged trial conducted, dismissed the complaint on technical grounds. He further submitted that now the respondents/accused had come forward to settle the issue, paid the cheque amount of Rs.1,30,000/- by way of Demand Draft and the same was received by the appellant/complainant. He has also produced the copy of Demand Draft, which is extracted hereunder:

THINDAL-206

13102025

ON DEMAND PAY TO THE ORDER OF S P KANDASAMY

ONE LAKH THIRTY THOUSAND RUPEE ONLY

NOT OVER Rs.130000.00

CHENNAI SERVICE BRANCH-121

RECEIVED THE ORIGINAL DEMAND DRAFT ON 15/10/2022 IN THE COURT. THE SAME MAY BE RECORDED AND THE APPEAL MAY BE CLOSED

S. Arunprakash
27/6/2022
JUDGE



Crl.A.No.1005 of 2022

WEB COPY

3.Considering the submissions made and on perusal of the material, it is seen that the respondents, who are the accused in a case filed under Section 138 of N.I. Act., had discharged their liability to the appellant/complainant by way of Demand Draft and the learned counsel for the appellant acknowledged the receipt of entire cheque amount.

4.Recording the same, the Criminal Appeal is disposed of and the acquittal of the respondents/accused by the trial Court is hereby confirmed.

16.10.2025

Index : Yes / No
Neutral citation : Yes / No
Internet : Yes/No
Speaking / Non-speaking order
rsi

To

The Judicial Magistrate,
Tiruchengode



WEB COPY



Crl.A.No.1005 of 2022

M.NIRMAL KUMAR, J.

rsi

Crl.A.No.1005 of 2022

16.10.2025