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CRL A No. 1336 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-08-2025

CORAM

THE HONOURABLE MR JUSTICE G.K. ILANTHIRAIYAN

CRL A No. 1336 of 2025

and

CrI.M.P.No.16171 of 2025

B.V.Balaji

S/o.B.M.Venkatajalapathi.

Appellant(s)

Vs

Sri Kamal

S/o.D.Samraj.

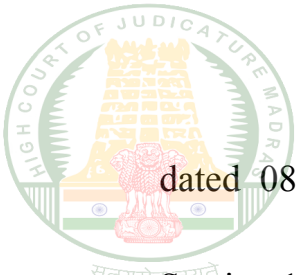
Respondent(s)

PRAYER: Criminal Appeal filed under Section 378 Cr.P.C, to set aside the judgement of the Judicial Magistrate No.I, Krishnagiri made in STC.No.564 of 2018 dated 08.05.2024.

For Appellant(s): Mr.P.M.Jayachandran

ORDER

This appeal has been preferred as against the judgment passed in STC.No.564 of 2018, on the file of the Judicial Magistrate No.I, Krishnagiri,



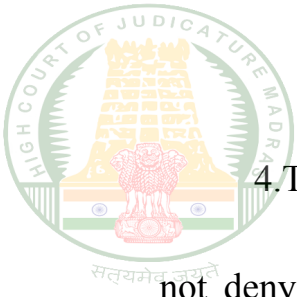
dated 08.05.2024, thereby, dismissing the complaint for the offences under

Section 138 of NI Act.

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2. The appellant lodged a complaint against the respondent for the offences under Section 138 of NI Act alleging that the respondent borrowed a sum of Rs.10,00,000/- and assured to return the same within a period of two months. In order to repay the same, the respondent issued a cheque and the cheque was presented for collection. However, it was returned for the reason 'funds insufficient'. Therefore, appellant issued a legal notice to the respondent, but there was no reply for the same from the respondent. Hence, the appellant filed a complaint against him.

3. Before the trial Court, on the side of the appellant, PWs 1 & 2 were examined and Exs.P1 to P4 were marked. On the side of the defendant, DW1 was examined and Exs.D1 to D3 were marked. On a perusal of the oral and documentary evidence, the trial Court found the respondent not guilty of the offences and dismissed the complaint. Aggrieved over the same, the present appeal has been filed.



4. The learned counsel for the appellant submitted that the respondent did not deny the signature found in the cheque and the issuance of the cheque.

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Therefore, the appellant had discharged his initial burden as contemplated under Section 138 of the NI Act. Though the respondent failed to rebut the presumption, the trial Court mechanically dismissed the complaint filed by the appellant.

5. On perusal of the records, it is seen that DW1 in his deposition has deposed that the appellant invested a sum of Rs.2,00,000/- with the respondent to start Happy Future Multi Purpose Co-operative Society Ltd, Krishnagiri. However, the said Society suffered loss and it was closed. Hence, the alleged cheque was issued for security purpose by the respondent. In order to settle the said amount, the appellant obtained blank cheques from the respondent. Further, on 08.02.2018, the respondent had settled a sum of Rs.4,24,000/- to the appellant. Even then, the appellant failed to return the said cheque which was issued for security purpose and proceeded to initiate the proceedings under Section 138 of NI Act. The alleged cheque was marked as Ex.P1. A perusal of



the cheque reveals that there is a slight difference in the signature of the respondent compared with other material and therefore, it could be indicated that the cheque was issued for security purpose and subsequently, the appellant sent the cheque for collection. On perusal of the account statement of the respondent which was marked as D3 reveals that the respondent repaid Rs.4,24,000/- to the appellant herein. Therefore, the respondent duly established through material evidence for rebutting the presumption. Even then the appellant failed to prove that the cheque was not issued for security purpose.

6. Therefore, the trial Court had rightly acquitted the respondent and this Court finds no illegality or infirmity in the order passed by the trial Court. Accordingly, this Criminal Appeal stands dismissed. Consequently, connected miscellaneous petition is also closed.

26-08-2025

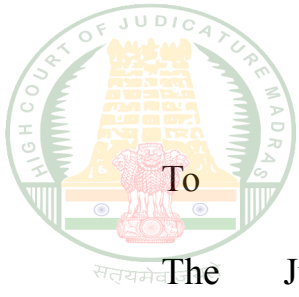
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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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To

The Judicial Magistrate No.I,
Krishnagiri.

WEB COUNCIL



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G.K.ILANTHIRAIYAN J.
sli

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