



Crl.A.No.909 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2025

CORAM

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

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Jaikumar Appellant

Vs

Sasi Respondent

PRAYER : Criminal Appeal has been filed under Section 415(1) of Bharatiya Nagarik Suraksha Sanhita, 2023, praying to set aside the Judgment made in C.C.No.25 of 2019 by the learned Judicial Magistrate, Fast Track Court (Magisterial Level) (FAC), Dharmapuri, dated 18.09.2024.

For Appellant : Mr.S.N.Arunkumar

JUDGMENT

This Criminal Appeal has been filed challenging the Judgment dated 18.09.2024 passed in C.C.No.25 of 2019 by the Judicial Magistrate, Fast Track Court (Magisterial Level) (FAC), Dharmapuri, thereby dismissing the complaint filed by the appellant and acquitted the respondent for the offence punishable under Section 138 of the Negotiable Instruments Act.

2. The appellant is the complainant, who lodged a complaint against



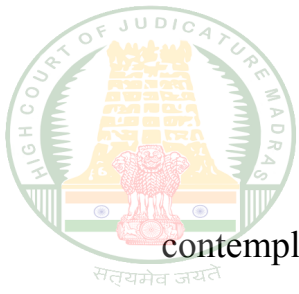
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the respondent for the offence punishable under Section 138 of the Negotiable

Instruments Act. It is alleged that the respondent borrowed a sum of Rs.9,00,000/- and agreed to repay the same. In order to return the said amount, he issued a cheque, which was presented for collection. However, the said cheque was returned dishonoured with the endorsement “Payment Stopped by the Drawer”. After causing a statutory notice, the appellant filed a complaint, which was taken cognizance by the Trial Court in C.C.No.25 of 2019.

3. On the side of the appellant, he had examined P.Ws.1 to P.Ws.6 and marked Exs.P1 to P5. On the side of the respondent, he had examined D.Ws.1 & 2 and marked Exs.D1 to D3. On a perusal of the oral and documentary evidence, the Trial Court found the respondent not guilty of the offence punishable under Section 138 of the Negotiable Instruments Act and acquitted him. Aggrieved by the same, the present Criminal Appeal has been filed.

4. The learned counsel appearing for the appellant would submit that the respondent categorically admitted the issuance of the cheque and also the signature therein. He never denied the signature as well as the issuance of the cheque. Therefore, the appellant had discharged the initial burden of proof as



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contemplated under Section 138 of the Negotiable Instruments Act. Though, such presumption can be rebutted by the respondent under Sections 118 and 139 of Negotiable Instruments Act, the respondent failed to rebut the same in the manner known to law. Even then, the Trial Court mechanically acquitted the respondent for the offence punishable under Section 138 of the Negotiable Instruments Act.

5. Heard the learned counsel appearing for the appellant and perused the materials available on record.

6. A perusal of the records reveals that the cheque was returned with the endorsement "Payment Stopped by the Drawer'. Even before the due presentation, when the cheque was presented for collection, it was returned with the said endorsement. The respondent in order to prove the date of presentation of the cheque, there was an amount to meet out the cheque and he marked the statement of accounts. The respondent issued a letter to stop payment on the cheque issued in favour of the appellant for the reason that the cheque was not issued for any legally enforceable debt. Therefore, the Trial Court rightly acquitted the respondent.



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7. In view of the above, this Court finds no infirmity or illegality in

the Judgment dated 18.09.2024 passed in C.C.No.25 of 2019 by the Judicial Magistrate, Fast Track Court (Magisterial Level) (FAC), Dharmapuri. Accordingly, this Criminal Appeal stands dismissed.

15.07.2025

Speaking order/Non-speaking order

Index :Yes/No

Internet :Yes/No

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To

The Judicial Magistrate,
Fast Track Court (Magisterial Level) (FAC),
Dharmapuri.

G.K.ILANTHIRAIYAN, J.

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