



Crl.A.(MD)Nos.265 and 324 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.A.(MD)Nos.265 and 324 of 2021

Crl.A.(MD)No.265 of 2021

Thamayanthi

... Appellant

versus

C.Durai Singam

... Respondent

Appeal filed under Section 378(3) of Cr.P.C. to call for the records from the lower Court and set aside the Judgment passed in S.T.C.No.51 of 2017 dated 18.12.2019 on the file of the learned Judicial Magistrate – Fast Track, Uthamapalayam, Theni District, by allowing this appeal and convict the accused and order compensation as per the provision of the N.I. Act.

For Appellant : No appearance

For Respondent : Mr.J.Yogeswaran

Crl.A.(MD)No.324 of 2021

K.P.Manoharan

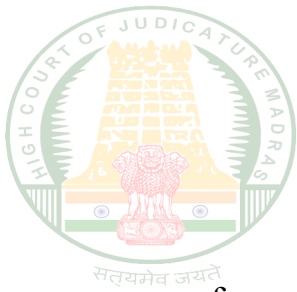
... Appellant

versus

C.Durai Singam

... Respondent

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Crl.A.(MD)Nos.265 and 324 of 2021

Appeal filed under Section 378(3) of Cr.P.C. to call for the records from the lower Court and set aside the Judgment passed in S.T.C.No.52 of 2017 dated 18.12.2019 on the file of the learned Judicial Magistrate – Fast Track, Uthamapalayam, Theni District, by allowing this appeal and convict the accused and order compensation as per the provision of the N.I. Act.

For Appellant : No appearance

For Respondent : Mr.J.Yogeswaran

COMMON JUDGMENT

These Criminal Appeals are arising out of the Judgments of acquittal dated 18.12.2019 passed by the learned Judicial Magistrate, Fast Track Court, Uthamapalayam, Theni District, in S.T.C.Nos.51 and 52 of 2017.

2. The appellants are wife and husband and they have filed separate private complaint as against the respondent/accused before the learned Judicial Magistrate, Fast Track Court, Uthamapalayam, in STC Nos.51 and 52 of 2017, for the offence punishable under Section 138 of the Negotiable Instruments Act.

3. The case of the appellants is that the respondent borrowed a sum



Crl.A.(MD)Nos.265 and 324 of 2021

of Rs.10,00,000/- each and to discharge the same, he has issued cheques and when the same were presented before the Bank, they were returned as “insufficient funds”. Therefore, they have filed complaints as against the respondent/accused.

4. The trial Court, after full-fledged trial, found that there was no legally enforceable debt in the complaints filed by the appellants and accordingly, dismissed the complaints filed by the appellants, by Judgments dated 18.12.2019. Challenging the same, the complainant in STC No.51 of 2017 has filed Crl.A.(MD)No.265 of 2021 and the complainant in STC No. 52 of 2017 has filed Crl.A.(MD)No.324 of 2021.

5. It appears that this Court, by order dated 30.06.2021, admitted Crl.A.(MD)No.265 of 2021 and ordered notice to the respondent returnable by 03.08.2021. When the above appeal was listed for hearing on 03.08.2021, the learned counsel for the appellant requested to list the appeal along with Crl.A.(MD)No.324 of 2021. On his request, this Court directed the Registry to list the appeal along with Crl.A.(MD)No.324 of 2021 on 13.08.2021. On that day, Crl.A.(MD)No.324 of 2021 was not listed along



Crl.A.(MD)Nos.265 and 324 of 2021

with Crl.A.(MD)No.265 of 2021. Therefore, a further request was made by the appellant. Thereafter, both the appeals were listed for final disposal on 18.03.2025. However, there was no representation for the appellants. Therefore, these appeals were directed to be listed today under the caption “For Dismissal”. The learned counsel for the respondent/accused was also directed to inform the learned counsel for the appellants about the listing of these appeals under the caption “For Dismissal”.

6. Even today, there is no representation for the appellants. Mr.Yogeswaran, learned counsel for the respondent/accused submits that he has duly intimated about the order of this Court dated 18.03.2025 to the learned counsel appearing for the appellants. It shows that the appellants are not interested in prosecuting the appeals.

7. Since the appellants are not interested in prosecuting the appeals, both the Criminal Appeals are dismissed for default.

19.03.2025

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NCC : Yes / No.

Index : Yes / No.

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Crl.A.(MD)Nos.265 and 324 of 2021

B.PUGALENDHI, J.

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Crl.A.(MD)Nos.265 and 324 of 2021

19.03.2025