

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 23RD DAY OF NOVEMBER 2015/2ND AGRAHAYANA, 1937

Crl.L.P.No. 454 of 2015 ()

**CRA 328/2014 of II ADDITIONAL SESSIONS COURT, ERNAKULAM
CC 907/2012 of JUDICIAL FIRST CLASS MAGISTRATE COURT-I, KOCHI
=====**

PETITIONER/RESPONDENT/COMPLAINANT:

**ANTONY JERLIN, S/O. JOSEPH, CHEMMAYATH HOUSE
OCHAMTHURUTH, ERNAKULAM DISTRICT.**

**BY ADVS.SRI.P.CHANDRASEKHAR
SRI.S.PRASANTH
SRI.SOORAJ T.ELENJICKAL
SRI.P.A.MOHAMMED SHAH
SMT.UMA
SRI.K.NANDAKUMAR
SMT.V.A.HARITHA**

RESPONDENTS/APPELLANT/ACCUSED & STATE :

**1. BINU B ELBY @ BINU FREDDY
W/O. FREDDY, MARTIN (D/O. ELBY B.G.), BLAYITHARA HOUSE
OCHANTHURUTH P.O., PUTHUVYPE VILLAGE, KOCHI TALUK
ERNAKULAM DISTRICT-682 508.**

**2. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682 031.**

R2 BY PUBLIC PROSECUTOR SMT. LISHA M.G.

**THIS CRIMINAL LEAVE PETITION HAVING COME UP FOR ADMISSION ON 23-11-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

SD

P. UBAID, J.

Crl.L.P.No.454 of 2015

Dated this the 23rd day of November, 2015

O R D E R

I find that the petitioner has a grievance to be heard regarding the divergent findings of the courts below on the question of legally enforceable debt. The dispute is whether the cheque in question is supported by consideration. It will have to be examined by this Court in appeal. The petition is allowed. The petitioner is granted leave to prefer appeal against the judgment of acquittal of the learned II Additional Sessions Judge, Ernakulam in Criminal Appeal No.328/2014.

Sd/-

P. UBAID, JUDGE

sd

// True Copy //

P.A. to Judge