

Crl.O.P.No.11495 of 2015 in
Crl.A.SR.No.17292 of 2015
P.DEVADASS, J.

Leave is sought for under Section 378(4) of Cr.P.C to appeal as against the order of acquittal passed in C.C.No.61 of 2014 on the file of the Judicial Magistrate No.III, Salem on 20.3.2015.

2. According to the learned counsel for the appellant, the trial Court adopted a wrong approach in appreciating the evidence of P.W.1 as he is a liar. But, when he spoke truthfully about the case of the prosecution, merely on account of some discrepancies in P.W.1's evidence, entire evidence cannot be brushed aside. The case of the complainant has been clearly proved by evidence as well as by the legal presumption under Section 138 of Negotiable Instruments Act. However, the trial Court has not viewed the entire evidence in a proper perspective, resulting in recording of order of acquittal.

3. I have anxiously considered the submissions of the learned counsel for the petitioner/appellant and also perused the impugned Judgment. This appeal presents certain eminently arguable points.

4. Petition allowed. Leave is granted

01.06.2015

Kua