

Crl.O.P.No.16210 of 2015
in
Crl.A.SR.No.24068 of 2015

P.DEVADASS, J.

The complainant, who succeeded in the trial Court since failed in the Appellate Court in Crl.A.No.53 of 2013 suffered reversal finding resulting in order of acquittal being passed seeks leave of this Court under Section 378(4) of Cr.P.C to appeal as against the order of acquittal.

2. Learned counsel for the petitioner/appellant contended that the complainant filed a cheque bouncing case with reference to Ex.P1 cheque for Rs.3,14,856/-, which has been issued by the respondent. The trial court appreciating the evidence, accepted the case of the complainant and convicted him. However, the Appellate court coming to the conclusion that there are difference in the amount covered under the cheque and such a view has been taken based on Ex.P6 Statement of accounts and question of interest also has been given importance by the trial Court.

3. In this case, the learned counsel for the petitioner/appellant contended that there was old transaction between both side and in the year 2010 amounts were taken and Ex.P1 subject cheque has been issued. In this connection, sufficient oral and documentary evidence has been let in. Ex.P1 cheque having been issued without keeping sufficient funds in the bank account has been established.

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4. Learned counsel for the petitioner/appellant also submitted that the Appellate Court fell into error in appreciating the oral and documentary evidence in proper perspective.

5. 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.

6. Petition allowed. Leave granted.

02.07.2015

Index : yes/no

Internet : yes/no

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