

Crl.O.P.No.18070 of 2015

in

Crl.A.SR.No.31311 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.6262 of 2014 on the file of the learned XI Metropolitan Magistrate, Saidapet, Chennai on 11.6.2015.

2. According to the learned counsel for the petitioner/ appellant/complainant, the appellant served the nation by being member of armed forces. He retired only to be cheated by the respondent. The appellant/ P.W.1 was very much anxious to see his daughter becoming a highly qualified person in medicine. He lodged police complaint that the accused received Rs.52 lakhs from him neither she got admission for PG course nor returned the money, except putting a visible 3 marks on his fore-head. The appellant complained commission of offence under section 420 I.P.C.

3 The accused put up the defence that P.W.1 has not examined his daughter. He raised the plea of discharge. He set up the plea hoping that P.W.4 will speak for himself.

4 The trial Court accepting the defence version acquitted the accused.

5 The learned counsel for the petitioner/appellant contended that the evidence of P.W.1 did not confirm the receipt of money pleaded by the accused.

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Except P.W.4, a neutral man between P.W.1 and the respondent. From his evidence, the defence did not cull out any material advancing the defence version. In this connection, the learned counsel for the petitioner/appellant would submit that the trial Court fell into error. Without evidence, it had accepted the defence version and passed the order of acquittal.

6. 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.

7. Petition allowed. Leave is granted.

23.07.2015

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