

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.02.2015

CORAM

THE HONOURABLE MS.JUSTICE R.MALA

CrI.O.P.No.505 of 2015
in CrI.A.No.SR511 of 2015

S.Dharmalingam

.. Petitioner/Appellant

vs

N.Murugesan

... Respondent/Respondent

Prayer:- This Criminal Original Petition is filed under Section 378 (4) Cr.P.C. to grant special leave to file the above Criminal Appeal filed against the judgment in C.C.No.95 of 2013 dated 30.10.2014 on the file of the learned Judicial Magistrate (Fast Track), Omalur.

For Petitioner : Mr.R.Nalliyappan

ORDER

This Criminal Original Petition is filed to grant special leave to prefer an appeal against the judgment of acquittal dated 30.10.2014 passed in C.C.No.95 of 2013 on the file of the learned Judicial Magistrate (Fast Track), Omalur.

2.Heard the learned counsel appearing for the petitioner and perused the materials available on record.

3.The learned counsel appearing for the petitioner would submit that since the signature in the cheque/Ex.P.1 has been admitted by the respondent, he is entitled to invoke presumption under Sections 118 (a) and 139 of Negotiable Instrument Act. Hence, he pray for granting of leave to file an appeal.

4.Even though the respondent/accused has stated that he has issued the cheque in favour of one Mohamed Mohideen and his son Khader Jamal, who is an Advocate and to help them, this petitioner has filed up the cheque and given a complaint, but considering the cross-examination of D.W.1 and P.W.1, I am of the view that it is a fit case for granting leave. Hence, leave granted.

5. Accordingly, this Criminal Original Petition is allowed.

cse

-s/d-

Assistant Registrar()

Dt:16/2/2015

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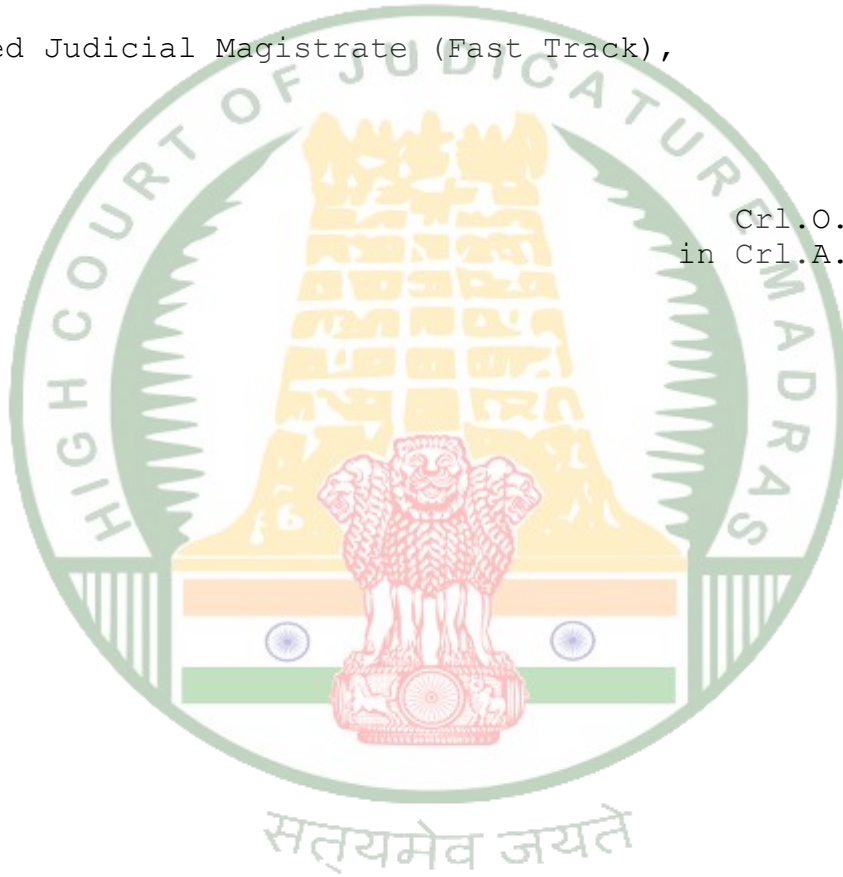
Sub-Assistant Registrar

To

The learned Judicial Magistrate (Fast Track),
Omalur.

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