

CRM-A No. 723-MA of 2012

Raj Kumar Arora Vs. Veena Sethi

Present:- Mr. Rajesh Sethi, Advocate
for the applicant-petitioner.

Mr. Vikas Kumar, Advocate
for the respondent.

Prayer made in the application under Section 378(4) Cr.P.C. for grant of special leave to appeal from the order of acquittal dated 23.11.2010, passed by learned Judicial Magistrate, 1st Class, Faridabad on the ground that the view taken by learned Magistrate is not correct.

Plea was taken that accused admitted his signature on cheque (Ex. C-2). Trial Court had drawn the presumption having the effect of shifting of onus upon the accused and the facts that the amount given by complainant to respondent was not shown in the books of accounts does not write off the liability of the accused, which was clearly admitted by issuing cheque. Complainant issued the legal notice dated 15.07.2002. No reply was sent by the accused.

In view of the above, the necessary permission for leave to appeal is granted.

The Registry is directed to assign the number to this appeal.

September 23, 2015
naresh.k

(SHEKHER DHAWAN)
Judge