

Crl.O.P.No.15922 of 2016
in
Crl.A.SR.No.27172 of 2016

R.SUBBIAH, J

The complainant in a cheque bouncing case, seeks leave of this Court to appeal as against the order dated 4.3.2016 passed in C.A.No.115 of 2015 on the file of the II Additional District and Sessions Court, Erode, reversing the judgment dated 6.8.2015 passed in C.C.No.34 of 2012 on the file of the learned Judicial Magistrate, Fast Track Court No.I, Erode.

2. Though notice was served on the respondent and his name appears in the cause list, he has not chosen to appear before this Court either in person or through counsel.

3. Learned counsel appearing for the petitioner submitted that the issuance of cheque has not been denied by the respondent and he has also admitted the signature found in the cheque. By considering the entire evidence, the trial Court has rightly convicted the respondent by assigning valid reasons. However, the first appellant

Court, without properly considering the oral and documentary evidence, reversed the judgment of the trial Court. Thus, the findings of the first appellate Court suffers from legal perversity.

4. I have considered the submissions of the learned counsel appearing for the petitioner and perused the judgment of the trial Court as well as the first appellate Court and prima facie, I find certain arguable points in this matter. Thus, it is a fit case to grant leave. Hence, leave is granted. Registry is directed to number the appeal, if it is otherwise in order.

23.08.2016

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DATED: 23.8.2016