

Crl.O.P.No.19525 of 2016

in

Crl.A.SR.No.2039 of 2016

R.SUBBIAH, J

The petitioner seeks leave of this Court to file an appeal against the impugned order dated 27.7.2015 in C.A.No.34 of 2014 passed by the learned Additional District and Sessions Judge, Krishnagiri District at Hosur, reversing the conviction imposed in the judgment dated 9.6.2014 made in C.C.No.224 of 2013 on the file of the learned Judicial Magistrate, FTC, Hosur.

2. 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 on the ground that the delivery challan was not produced to show the supply of goods. Thus, the findings of the first appellate Court suffers from legal perversity.

3. Learned counsel appearing for the respondent submitted that the first appellate Court by assigning valid reasons, acquitted the respondent by a well considered judgment. Thus, he opposed to grant leave to the petitioner.

4. I have considered the submissions made by the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent 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. However, the respondent is at liberty to make all his submissions at the time of final hearing of the appeal. Registry is directed to number the appeal, if it is otherwise in order.

30.08.2016

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DATED: 30.8.2016