

**Crl.O.P.No.3258 of 2016
in
Crl.A.SR.No.45047 of 2015**

R.SUBBIAH, J

The petitioner seeks leave of this Court to appeal as against the judgment dated 25.6.2015 made in Crl.A.No.11 of 2013 passed by the learned III Additional District and Sessions Judge, Cuddalore at Virudhachalam in reversing the judgment passed in C.C.No.169 of 2006 by the learned Judicial Magistrate No.II, Virudhachalam, Cuddalore District.

2. Learned counsel appearing for the petitioner submitted that the trial Court by considering the entire evidence, 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.

3. Learned counsel appearing for the respondent 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. The Registry is directed to number the appeal, if it is otherwise in order.

08.08.2016

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DATED: 8.8.2016