

Crl.O.P.No.5156 of 2016
in
Crl.A.SR.No.28077 of 2016

R.SUBBIAH, J

The petitioner / complainant in a cheque bouncing case, seeks leave of this Court to appeal as against the order of acquittal dated 31.3.2015 made in C.C.No.200 of 2011 on the file of the Fast Track Judicial Magistrate Court, Coonor.

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 cheque was returned on 30.5.2009 and it was intimated through Ex.P.4 – slip to the complainant only on 15.7.2009. Thereafter, within the statutory period, legal notice was issued to the respondent on 27.7.2009. But, without considering the said aspect, the trial Court rejected the complaint on the ground that Ex.P.4 does not contain any authorized signature or any reference regarding the cheque concerned. The said finding is not legally sustainable and on

that ground, the trial Court has erroneously acquitted the respondent. Thus, he prays for leave of this Court to appeal as against the order of acquittal.

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

14.06.2016

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DATED: 14.6.2016