

Crl.O.P.No.6639 of 2016
in
Crl.A.SR.No.50332 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 15.7.2015 made in C.A.No.44 of 2013 on the file of the Additional District and Sessions Judge, Hosur, Krishnagiri District, setting aside the order of conviction dated 23.8.2013 made in S.T.C.No.312 of 2013 passed by the learned Judicial Magistrate No.II, Hosur.

2. Learned counsel appearing for the petitioner submitted that the respondent has not denied the signature found in the cheque. Further, in his cross examination, the respondent has admitted that the cheque in question belongs to him. In spite of the same, on erroneous appreciation of evidence, the first appellate Court has acquitted the respondent. Thus, he prays for leave of this Court to appeal as against the order of acquittal.

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 appellate Court and prima facie, I find certain arguable points in this matter. Thus, it is a fit case for 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.

14.06.2016

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DATED: 14.6.2016