

Crl.O.P.No.9134 of 2016
in
Crl.A.SR.No.17898 of 2016

R.SUBBIAH, J

The complainant in a cheque bouncing case, seeks leave of this Court to file an appeal against the judgment in STC No.80 of 2015 dated 17.3.2016 on the file of learned Judicial Magistrate, Fast Track Court at Magisterial Level, Attur.

2. Learned counsel appearing for the petitioner submitted that the respondent borrowed a sum of Rs.3,00,000/- from the petitioner for his urgent family expenses and to discharge the same, the respondent issued the cheque in question on the same day. When the petitioner presented the cheque for collection, the same was returned. Though the petitioner issued statutory notice, the respondent refused to claim the said notice. Learned counsel further submitted that the respondent has not denied the issuance of cheque and the signature found in the cheque has also not been denied by the respondent. However, the trial Court, without considering those aspects, on erroneous appreciation of evidence, 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 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 raise 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.

31.08.2016

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DATED: 31.8.2016