

THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL APPEAL Nos.767, 781 AND 822 OF 2007

COMMON ORDER:

The petitioners in all the three criminal appeals are closely related and the respondents in all the three criminal appeals are one and the same and that the cause of action arises in all these cases is also the same, and as such, these criminal appeals are being disposed of by this common order.

The Criminal Appeal Nos.767, 781 and 822 of 2007 are filed by the complainant being aggrieved by the orders, dated 24.04.2007, passed in C.C.Nos.481, 624 and 470 of 2006 respectively by the Court of the Judicial First Class Magistrate (Prohibition and Excise), Visakhapatnam, whereby the learned Judge acquitted the first respondent/accused for the offence under Section 138 of the Negotiable Instruments Act.

Heard and perused the material available on record.

This Court, after hearing both sides, is of the view that the Court below failed to appreciate the evidence in proper perspective and that these are fit cases to remand the matters to the Court below for fresh appreciation of evidence. Hence, the impugned orders in these criminal appeals are set aside and the cases are remitted to the Court below for fresh appreciation of evidence. The Court below is directed to appreciate the evidence in proper perspective and dispose of the same in accordance with law.

The Criminal Appeals are accordingly disposed of. Consequently, the miscellaneous petitions, if any pending in these criminal appeals, shall stand closed.

JUSTICE RAJA ELANGO

30.08.2016
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