

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 17.09.2019

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.24883 of 2019

in

Crl.A.SR.No.43912 of 2018

Sathya

.. Petitioner/Respondent

Vs

Prabhu

.. Respondent/Accused

Prayer:- This Petition filed under section 482 Cr.P.C., to grant special leave to prefer an Appeal against the acquittal of respondent in judgment dated 09.08.2019 passed in C.A.No.132/2017 on the file of the learned III Additional District Judge, Salem.

For Petitioner : Mr.N.Ranjith Kumar

ORDER

The above Criminal Original Petition has been filed by the petitioner seeking to grant special leave to her to prefer an Appeal against the acquittal of the respondent in judgment dated 09.08.2019 passed in C.A.No.132/2017 on the file of the learned III Additional District Judge, Salem.

2 Heard both sides.

3 The learned counsel for the petitioner would submit that the Trial Court had convicted the respondent, finding that the execution of cheque was admitted in the signature found in the cheque also admitted by the respondent

A.D.JAGADISH CHANDIRA,J.

ssi

as per law. It is for the accused to rebut the statutory presumption, that the cheque was not issued for the legally enforceable debt or liability. However, the First Appellate Court on wrong appreciation of law and evidence has erred in acquitting the respondent/accused and that the petitioner has no sufficient needs to advance huge sum of money to the respondent. Whereas, to prove that the petitioner is having sufficient means and that she is owning a lorry for goods carriage, by which, she was earning sufficient income further before the Trial Court, the appellant marked R.C.Book as Exs.P6 & P7. The respondent had not rebutted the presumption in favour of the petitioner.

4 Heard the learned counsel for the appellant and gone through the records and satisfied with the reasons stated in the grounds.

6 Leave granted.

17.09.2019

Internet : Yes/No

Index : Yes/No

ssi

To: The III Additional District Judge, Salem.

WEB COPY

Crl.O.P.No.24883 of 2019 in
Crl.A.SR.No.43912 of 2018