

Crl.O.P.No.31155 of 2019 and
Crl.A.SR.No.57120 of 2019

A.D.JAGADISH CHANDIRA, J.,

The above Criminal Original Petition has been filed by the petitioner/appellant, seeking to grant leave to prefer the above appeal in Crl.A.SR.No.57120/2019, against the order of acquittal dated 29.03.2019, made in C.A.No.98/2017, by the II Additional District and Sessions Judge, Salem, reversing the Judgment dated 26.07.2017, made in S.T.C.No.237/2016, by the Judicial Magistrate Court No.III, Salem.

2 This Court heard the learned counsel on both sides.

3 The learned counsel for the petitioner/appellant would submit that the petitioner/appellant has proved the case by letting in cogent evidence and also proving that there was an existing liability and thereby, the Trial Court had convicted the respondent/accused. However, the Appellate Court on wrong appreciation of law and facts has reversed the finding of conviction. Though, D.W.3 was examined by the accused, the Trial Court found that the accused had executed a pro-note for the liability whereas, the Appellate Court had erroneously finding that the petitioner/complainant has not proved the source of income had reversed the finding. He would further submit that no evidence has been let in by the accused, to prove, how the cheque got in to the hands of the petitioner/complainant whereas, the Appellate Court, on wrong appreciation of evidence, wrongly held that it is for the petitioner to prove the case.

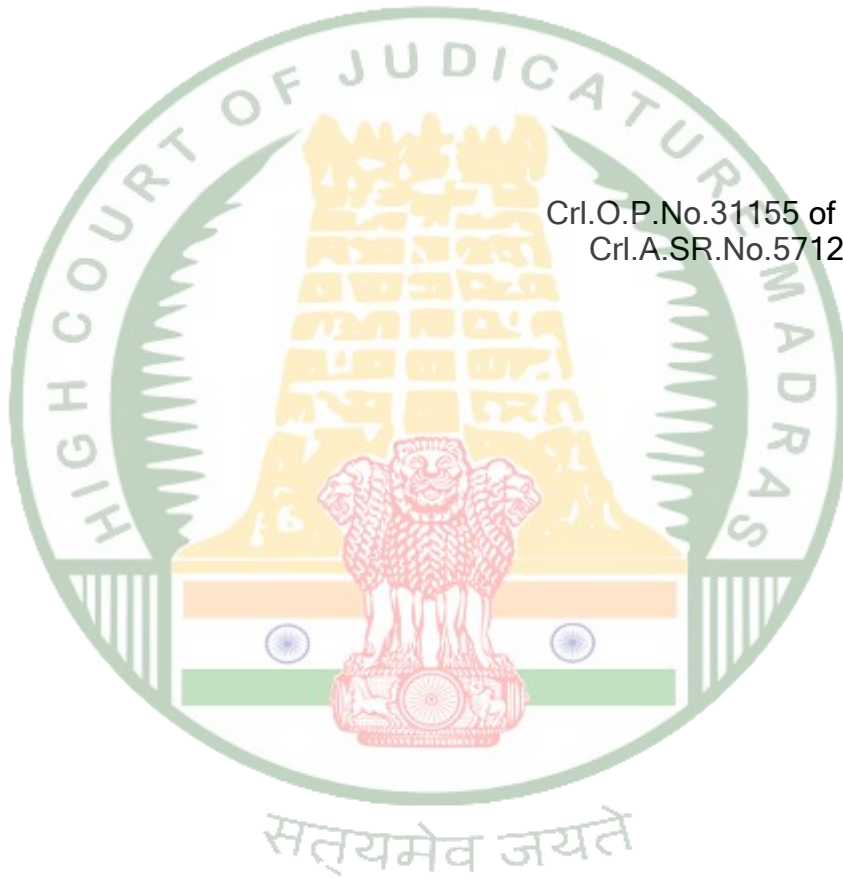
4 Heard the learned counsel for the petitioner/appellant and gone through the records and satisfied with the reasons stated in the grounds.

5 Leave granted.

19.11.2019

A.D.JAGADISH CHANDIRA, J.,

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