

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.07.2020

CORAM:

THE HONOURABLE Mr.JUSTICE **P.N.PRAKASH**

Crl.O.P.No.10933 of 2020
in Crl.A.No.SR19159 of 2020

Suryadev Alloys and
Power Pvt.Ltd.,
Represented by Authorised
Signatory
Mr.P.K.Prakash,
No.497 & 498, Isana Building,
8th Floor,
P.H.Road, Arumbakkam,
Chennai – 600 106.

.. Petitioner/Complainant

Vs.

1.Aegan Industries Pvt.Ltd.
No.280, Bomanallur Village,
Dharapuram Palani Highway,
Dharapuram Taluk,
Tiruppur District – 638 673

2.T.Arunkumar,
Managing Director,
Authorised Signatory,
Aegan Industries Pvt.Ltd.,
No.175, 10th A main, 4th Block,
Jaya Nagar, Bangalore – 560 041.

.. Respondents/Accused

Criminal Original Petition filed under Section 378 (4) Cr.P.C. to grant special leave to prosecute the above appeal against the judgment and order dated 18.03.2020 passed in C.A.No.371 of 2019 on the file of the XVIII Additional Sessions Court, Chennai, reversing the judgment and order dated 10.10.2019 passed in C.C.No.3361 of 2017 on the file of the Metropolitan Magistrate Court (Fast Track Court No.IV), George Town, Chennai.

For Petitioner : Mr.P.Krishnan

ORDER

This case is taken up through video conferencing.

2. For the sake of convenience, the petitioner and the respondents will be referred to as the complainant and the accused, respectively.

3. The complainant initiated a prosecution in C.C.No.3361 of 2017 under Section 138 of the Negotiable Instruments Act, 1881, against the accused, before the Metropolitan Magistrate Court (Fast Track Court No.IV), George Town, Chennai. The Metropolitan Magistrate, by judgment and order dated 10.10.2019, convicted and sentenced the accused.

Challenging the same, the accused preferred an appeal in C.A.No371 of 2019 before the XVIII Additional Sessions Court, Chennai. The Sessions Judge, by judgment dated 18.03.2020, allowed the appeal preferred by the accused. Aggrieved by the judgment and order of acquittal, the complainant is before this Court.

4. On reading the judgments and orders of the trial Court and the appellate Court, respectively, there is *prima facie* material to show that the appellate Court had fallen in error in acquitting the accused by misappreciation of the evidence on record. Hence, leave granted.

The Registry is directed to number the appeal, if the same as otherwise in order.

सत्यमेव जयते

22.07.2020

nsd

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P.N.PRAKASH, J.

nsd

To

1. The Metropolitan Magistrate,
(Fast Track Court No.IV),
George Town, Chennai.
2. The XVIII Additional Sessions Judge,
Chennai.



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