

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.08.2020

CORAM:

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

Crl.O.P.No.13072 of 2020
in Crl.A.No.SR22656 of 2020

N.K.Palanisamy,
S/o.Late Krishnappa Gounder,
D.No.1/11, Kohipannai Thottam,
Athithya Avenue, TVS Nagar,
Valandipalayam,
Coimbatore – 25.

.. Petitioner/Complainant

Vs.

M.Pradeep Kumar,
S/o.S.Murugan,
Site No.25, Ganesh Nagar,
TVS Nagar Road,
Velandipalayam Post,
Coimbatore – 25.

.. Respondent/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 28.07.2020 passed in C.C.No.228 of 2011 on the file of the Judicial Magistrate Court, (Fast Track Court No.I), Coimbatore.

For Petitioner : Mr.B.R.Sankara Lingam

ORDER

This case is taken up through video conferencing.

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

3. The complainant initiated a prosecution in C.C.No.228 of 2011 under Section 138 of the Negotiable Instruments Act, 1881, against the accused, before the Judicial Magistrate Court, (Fast Track Court No.I), Coimbatore. The Magistrate, by judgment and order dated 28.07.2020, acquitted the accused. Aggrieved by the judgment and order of acquittal, the complainant is before this Court.

4. On reading the judgment and order of the trial Court, there is *prima facie* material to show that the trial Court had fallen in error in acquitting the accused by mis-appreciation of the evidence on record. Hence, leave granted.

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

27.08.2020

nsd

To

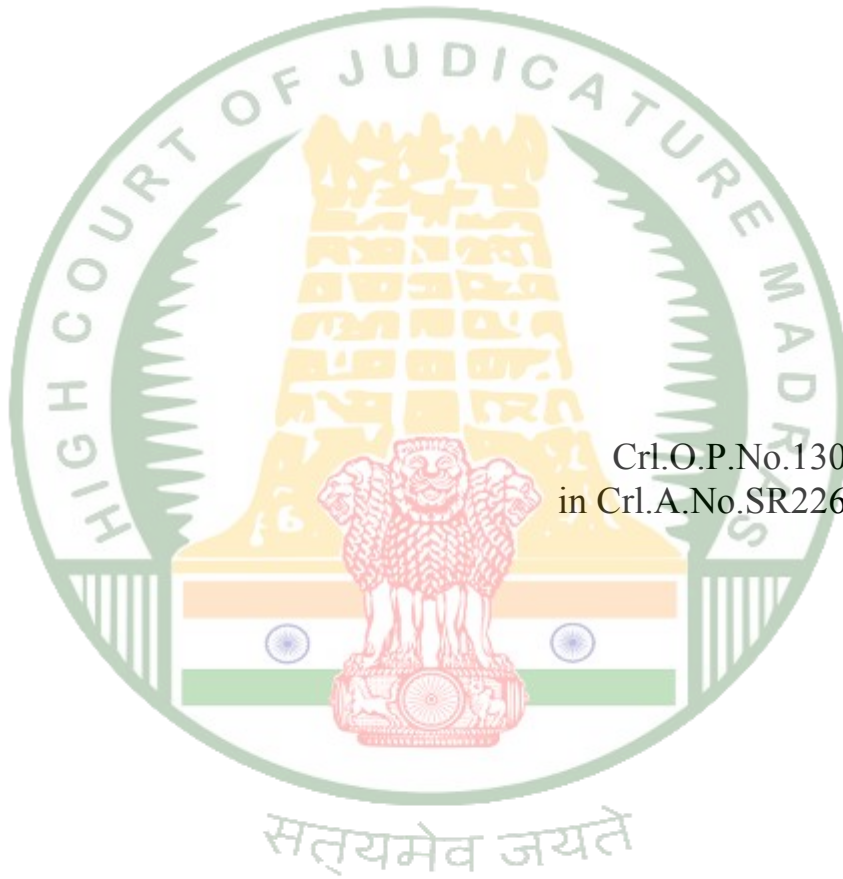
The Judicial Magistrate,
(Fast Track Court No.I),
Coimbatore.



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P.N.PRAKASH, J.

nsd



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