

Crl.O.P.No.13079 of 2020
in
Crl.A.No.SR22306 of 2020

P.N.PRAKASH,J.

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 STC.No.2340 of 2017 under Section 138 of the Negotiable Instruments Act, 1881, against the accused, before the Judicial Magistrate No.V, Salem, which was later transferred to the file of the learned Special Magistrate, Special Court for Land Grabbing Cases, Salem, and was renumbered as STC No.151 of 2018. The Special Magistrate, Special Court for Land Grabbing Cases, Salem, by judgment and order dated 20.02.2020, had acquitted the accused.

4. Aggrieved by the judgment and order of acquittal in STC.No.151 of 2018, the complainant is before this Court.

P.N.PRAKASH, J.

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5. In this case, the trial Court has acquitted the accused/respondent on the ground that the complainant had failed to prove the debt satisfactorily. However, the complainant has filed the statement of accounts as Ext.P6, which has not been taken note of by the trial Court. Hence, there are *prima facie* materials to show that the trial Court had fallen in error in acquitting the accused by mis-appreciation of the evidence on record. Further, the complainant has raised substantial grounds in the appeal which require a detailed appraisal. Hence, leave granted.

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

10.09.2020

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To:
The Special Judicial Magistrate
Special Court for Land Grabbing Cases, Salem.

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