

Crl.O.P.No.13081 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 case of the petitioner is that the accused is a chit subscriber in the petitioner-chit company and that he had participated in the chit commenced on 20.01.2003, whose closure period is 20 months. Being a successful bidder in August 2004, the accused received the prize amount. Thereafter, he had defaulted in making monthly subscription amount and upon repeated reminders, the accused issued a cheque for Rs.5,06,339/- to the petitioner, which when presented for encashment before the petitioner's bank was returned unpaid with an endorsement 'Account Closed'.

4. Therefore, the complainant initiated a prosecution in

C.C.No.7805 of 2007 under Section 138 of the Negotiable Instruments Act, 1881, against the accused, before the Metropolitan Magistrate, (Fast Track Court No.III), Saidapet, Chennai. The Magistrate, by judgment and order dated 26.03.2018, convicted the accused of the offence under Section 138 of the NI Act and sentenced him to undergo imprisonment for six months and after deducting Rs,2,55,000/- from the cheque amount, the respondent/accused was directed to pay the remaining amount as compensation to the complainant.

4. On the appeal filed by the accused in Crl.A.No.199 of 2018, the XV Additional Sessions Judge, Chennai, has acquitted the accused on 13.11.2019.

5. Aggrieved by the judgment and order of acquittal, the complainant is before this Court.

6. In this case, the trial Court has convicted the respondent in C.C.No.7805 of 2007 on 26.03.2018 for offence under Section 138 of the

Negotiable Instruments Act, which has been reversed by the appellate Court in C.A.No.199 of 2018 on 13.11.2019.

7. On reading the judgment and the order of the appellate Court, there are *prima facie* materials to show that the appellate 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

ds

सत्यमेव जयते
WEB COPY

P.N.PRAKASH, J.

ds

To

1.The XV Additional Sessions Judge
Chennai.

2.The Metropolitan Magistrate
(Fast Track Court No.III)
Saidapet, Chennai.



Crl.O.P.No.13081 of 2020
in Crl.A.No.SR22306 of 2020

WEB COPY

10.09.2020