

Crl.O.P.No.14007 of 2020
in
Crl.A.No.SR24114 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 C.C.No.167 of 2016 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 30.07.2020, 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, it is seen that the impugned cheques were signed by the accused (Baladandayutham)

for and on behalf of Mahasakthi and Company, on whose account they were issued. The trial Court has acquitted the accused, on the ground that, Mahasakthi and Company is a proprietorship company and Angala Eshwari was its proprietor and therefore, she should have been added as an co-accused. When admittedly, the accused (Baladandayutham) was the drawer of the impugned cheques, the failure to make Angala Eshwari as co-accused may not be fatal. Thus, 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. Hence, leave granted.

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

nsd

09.09.2020

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To

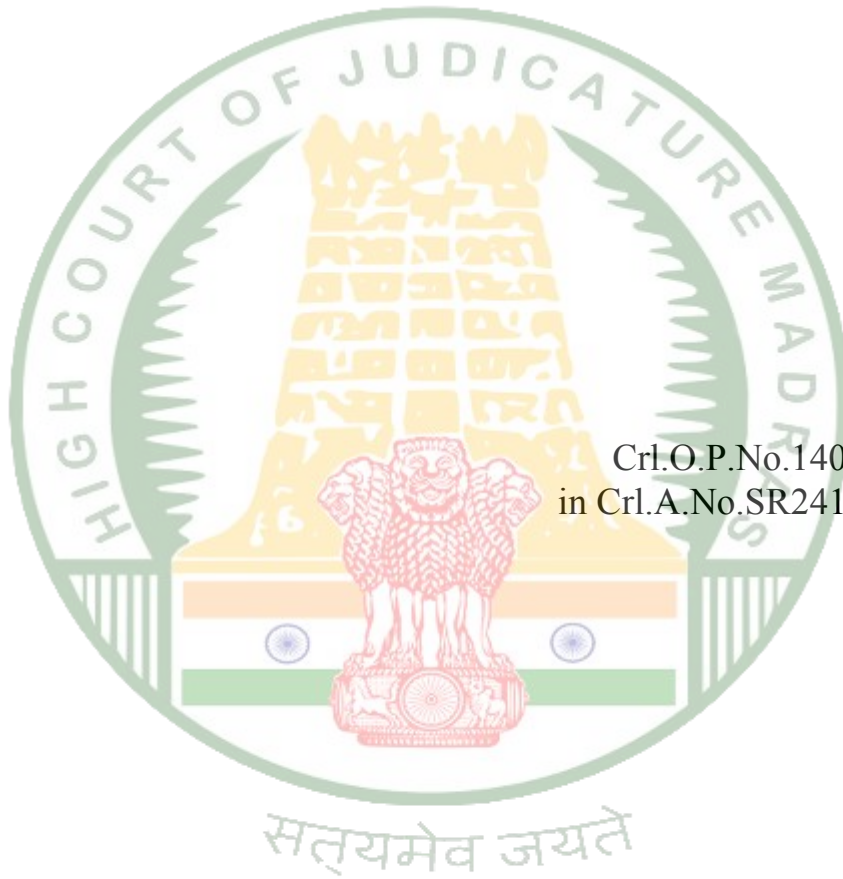
The Judicial Magistrate,
(Fast Track Court No.I),
Coimbatore.



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