

Crl.O.P.No.15292 of 2020
in Crl.A.No.SR25384 of 2020

P.N.PRAKASH,J.

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 is a Petrol Bunk and the accused was having a running account with the complainant for filling fuel for his vehicle. In that connection, the accused had given the impugned cheques, which when presented were dishonoured, pursuant to which, the complainant initiated prosecution in S.T.C.No.73 of 2018 on the file of the Judicial Magistrate (Fast Track Court), Hosur, in which, the learned Magistrate has acquitted the accused on 03.02.2020, aggrieved by which, the complainant intends to prefer an appeal before this Court, and hence, filed this petition seeking leave under Section 378(4) Cr.P.C.,

P.N.PRAKASH.J.,

ds

4. A perusal of the trial Court findings show that the trial Court has not properly considered the burden cast on the accused under Section 138 of the Negotiable Instruments Act. Further, the complainant submits that there are *prima facie* materials available to prove his case.

5. In view of the above, this petition is ordered and leave granted to file an appeal before this Court.

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

29.09.2020

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To:

The Judicial Magistrate (Fast Track Court), Hosur.

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