

Crl.O.P.No.14090 of 2021 in
Crl.A.No.SR25822 of 2021

P.VELMURUGAN, J.

The petitioner is complainant and respondent is accused. The petitioner filed a private complaint against the respondent for the offence under Section 138 of Negotiable Instruments Act, which was taken on file in C.C.No.2359 of 2016 by the learned II Metropolitan Magistrate, Fast Track Court, Egmore, Allikulam, Chennai. The learned Magistrate, after due enquiry, by judgment dated 07.11.2019, convicted the respondent and sentenced him to undergo simple imprisonment for a period of one year and directed to pay a compensation of Rs.30,00,000/- to the petitioner, in default, to undergo simple imprisonment for a further period of three months. Aggrieved against the judgment of conviction, the respondent/accused has preferred an appeal, which was taken on file in C.A.No.413 of 2019. The learned XVIII Additional Sessions Judge, City Civil Court, Chennai, after hearing both the parties, by judgment dated 26.03.2021 set aside the judgment of conviction made by the Magistrate and acquitted the respondent. Challenging the reversal judgment, the complainant has preferred this appeal along with this criminal original

petition seeking leave of this Court to prosecute the above appeal, since it has been filed against the judgment of acquittal.

2 Heard the learned counsel appearing for the petitioner/complainant and the learned counsel appearing for the respondent/accused.

3 It is stated by the learned counsel appearing for the respondent/accused that the respondent/accused rebutted the presumption in the manner known to law and even though, the trial Court has failed to appreciate the same, the lower appellate Court, on proper appreciation of the above fact, has acquitted the respondent/accused. Further, it is seen that the respondent/accused has admitted his signature and execution of cheque and there are arguable points in the appeal. Therefore leave granted.

WEB COPY

12.08.2021

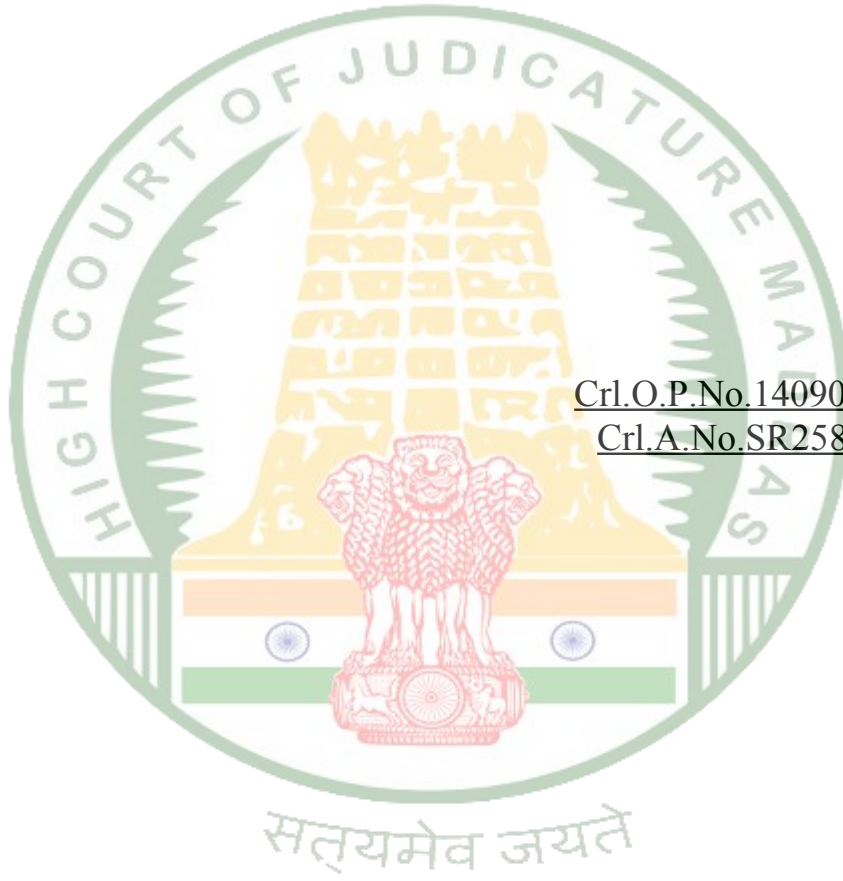
cgi

Note: Registry is directed to number the appeal,
if it is otherwise in order.

Crl.O.P.No.14090 of 2021 in
Crl.A.No.SR25822 of 2021

P.VELMURUGAN, J.

cgi



Crl.O.P.No.14090 of 2021 in
Crl.A.No.SR25822 of 2021

WEB COPY

12.08.2021