

Crl.O.P.No.17517 of 2021 in
Crl.A.SR.No.32494 of 2021

P.VELMURUGAN, J.

The petitioner is complainant and the respondent is accused. The petitioner had filed a private complaint for the offence under Section 138 of Negotiable Instruments Act before the Judicial Magistrate (FTC), Dharmapuri, in STC No.48 of 2013 and the learned Magistrate after enquiry, dismissed the complaint. Challenging the said order, the complainant filed appeal before the Additional District and Sessions Judge, Dharmapuri in Crl.A.No.14 of 2017 and the learned Sessions Judge after considering the fact, remanded the case back to the trial Court for fresh consideration by order dated 14.08.2018. Accordingly, the learned trial Judge after considering the case on merit, convicted the respondent. Challenging the said order of conviction, the respondent filed appeal in Crl.A.No.7 of 2019 before the Principal District and Sessions Judge, Dharmapuri and the learned Sessions Judge reversed the Judgment of the trial Court and acquitted the respondent by order dated 26.07.2021. Challenging the same, the petitioner/complainant has filed the present appeal before this Court. Since, the appeal is against acquittal, he has also filed the Criminal Original petition to grant leave.

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2. The learned Counsel for the petitioner would submit that the signature is admitted. Though, the trial Court convicted the respondent, the appellate court without considering the fact, reversed the Judgement of the trial Court and acquitted the respondent and there are arguable points in the appeal.

3. Perused the grounds of appeal. Since, the appeal is against reversal Judgement and there are arguable points in the grounds of appeal, leave is granted.

4. Registry is directed to take the appeal on file, if it is otherwise in order.

22.09.2021

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