

Crl.O.P.No.17654 of 2021
in
Crl.A.SR.No.32923 of 2021

P.VELMURUGAN, J.

The petitioner is complainant and the respondent is accused. The petitioner filed a private complaint under Section 200 Cr.P.C. for the offence under Section 138 of Negotiable Instruments Act before the Metropolitan Magistrate, Fast Track Court-II, Egmore, Chennai, and the learned Magistrate taken cognizance of the complaint in C.C.No.217 of 2016 and after enquiry, the learned Magistrate convicted the respondent and sentenced him to undergo one year simple imprisonment and to pay compensation of Rs.3 lakhs to the complainant and in default to undergo 3 months simple imprisonment by 23.10.2019.

2. Challenging the said Judgment of conviction and sentence, the respondent filed an appeal before the Principal Sessions Judge, City Civil Court, Chennai and the learned Principal Sessions Judge, taken the appeal on file in Crl.A.No.388 f 2019 and made over the case to the XX Additional Sessions Judge, City Civil Court, Chennai. The learned Additional Sessions Judge, after hearing the appeal and considering the materials allowed the appeal by setting aside the conviction and sentence passed by the learned Metropolitan Magistrate by order dated 17.04.2021.

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3. Now challenging the Judgment of acquittal, the petitioner/complainant has filed the present appeal before this Court. Since, the appeal is against acquittal, he has also filed the present Criminal Original petition to grant leave.

4. Heard the learned Counsel for the petitioner and perused the grounds of appeal.

5. Since, the appeal is against reversal Judgment and there are arguable points in the grounds of appeal, leave is granted.

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

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23.09.2021

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