



WEB COPY



Crl.O.P.No.22744 of 2021 in
Crl.A.No.SR10452 of 2021

Crl.O.P.No.22744 of 2021 in
Crl.A.No.SR10452 of 2021

A.D. JAGADISH CHANDIRA, J.

This application has been filed to grant Special Leave to the petitioner/Appellant herein to file the Criminal Appeal against the Judgment of acquittal made in S.T.C. No.100 of 2019 passed by the Judicial Magistrate, Tiruchengode, dated 09.02.2021.

2. The learned counsel for the petitioner/complainant would submit that the cheque was initially presented for collection on 20.11.2018 and it was returned by the bank with an endorsement 'insufficient fund' on 27.11.2021. Thereafter the cheque was again presented for collection on 31.12.2018 and once again it was returned. Except a bare averment in the reply stating that the cheque was stolen, no steps were taken by the respondent in respect of the earlier return of cheque and theft of cheque and no evidence had been let in by the respondent accused in rebuttal.



WEB COPY



Crl.O.P.No.22744 of 2021 in
Crl.A.No.SR10452 of 2021

A.D. JAGADISH CHANDIRA, J.

vum

3. The trial Court without take into consideration the statutory presumption available in favour of the petitioner/complainant, had wrongly shifted the burden of proof on the petitioner / complainant and on an erroneous finding, acquitted the respondent/accused.

4. In view of the above, *prima facie* case has been made out. Leave granted.

15.12.2021

vum

Crl.O.P.No.22744 of 2021 in
Crl.A.No.SR10452 of 2021