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Crl.O.P.No.3969 of 2022

Crl.O.P.No.3969 of 2022
in
Crl.A.SR.No.883 of 2022

R.PONGIAPPAN, J.

This petition has been filed praying to grant Special Leave to prefer an appeal against the acquittal order passed in STC No.96/2020 by the learned Judicial Magistrate, Fast Track Court at Attur on 06.05.2021.

2. Heard, the learned counsel appearing on either side.

3. In Paragraph 21 of the impugned judgment, it was observed by the learned Judicial Magistrate that the petition mentioned loan has been given by the complainant without any documents. The said stand taken by the complainant is unbelievable and therefore, it cannot be said that the respondents 1 and 2 herein had committed offence under Section 138 of Negotiable Instruments Act. After observing as above, the trial Court had acquitted the accused.

4. Now on going through the reply notice dated 05.05.2020, it was stated that the signature found in the cheque belongs to the accused. Further, it is not in dispute, both the complainant and the accused are relatives. Usually, if a money transaction is held between the relatives, there may be a



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to give loan without any documents. Therefore, the said aspects requires detailed appraisal.

5. Having heard the counsel and perused the materials available on record, this Court is of the opinion that a *prima facie* case is made out for grant of leave.

6. Accordingly, this Criminal Original Petition is allowed.

24.03.2022

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

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