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Crl.O.P.No.4818 of 2022

Crl.O.P.No.4818 of 2022 in
Crl.A.SR.No.6892 of 2022

R.PONGIAPPAN, J.

This petition has been filed praying to grant special leave to file an appeal against the judgment of acquittal dated 05.11.2019 passed in CC.No.649 of 2014 on the file of the learned Judicial Magistrate FTC No.I @ ML, Coimbatore.

2. Heard, the learned counsel appearing for the petitioner.

3. It is the submission made by the petitioner counsel that the respondent / accused admitted the signature found in the cheque, but the trial court by saying that the liability having by the respondent / accused is not proved by the petitioner by producing relevant documents and ultimately acquitted the accused.

4. Now on go through the judgment rendered by the trial court, it is true in the cross examination the respondent / accused admitted the



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signature. Though it was contended on the side of the respondent as he is not having any liability to pay the cheque amount, the trial court without appreciating Section 139 of NI Act, came to the conclusion the offence has not been proved. Since issuance of cheque and signature have not been denied by respondent / accused, it would necessary to see the case of the complainant in detailed manner.

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.

01.03.2022

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



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