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Crl.O.P.No.4545 of 2022

Crl.O.P.No.4545 of 2022 in
Crl.A.SR.No.15085 of 2021

R.PONGIAPPAN, J.

This petition has been filed praying to grant leave to file an appeal against the order dated 20.01.2021 passed in STC.No.332 of 2016 on the file of the learned Judicial Magistrate at Uthangarai, Krishnagiri District.

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

3. In the impugned judgment rendered by the trial court, the learned Judicial Magistrate observed that the signature found on the backside of the cheque creates a doubt as to whether the cheque has been given to the complainant as alleged by the complainant. In otherwise, in respect to the signature found in the cheque, there was no dispute on the side of the accused that the same is not belongs to him. The trial court without considering the same, stating that there was a discrepancy in the date on which the alleged cheque was issued to the complainant and for the reason that there was two signatures in the alleged cheque, dismissed the complaint



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presented by the petitioner. Therefore it needs detailed appreciation that in the absence of any denial as to the signature found in the cheque, whether the presumption under Section 139 of NI Act is raised or not.

4. Hence for the reasons stated above, this criminal original petition is allowed.

07.03.2022

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



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