



Crl.O.P.No.5208 of 2022

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in
Crl.A.SR.No.9205 of 2022

R.PONGIAPPAN, J.

This petition has been filed praying to grant leave to file an appeal against the order of acquittal dated 01.04.2021 passed in CC.No.487 of 2015 on the file of the learned Judicial Magistrate-I, Namakkal.

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

3. Now on go through the judgment rendered by the trial court, the learned Judicial Magistrate dismissed the complaint by saying that the alleged cheque issued by the respondent is not for legally enforceable debt. In this regard, on go through the evidence given by DW1, he has specifically submitted that for the loan availed by the respondent, the present cheque has been issued by him. In the said occasion, it would necessary to see the evidence given by DW1 and others in a detailed manner.

4. Having heard the counsel and perused the materials available on



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record, this Court is of the opinion that a *prima facie* case is made out for grant of leave.

5. Accordingly, 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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