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Crl.O.P.No.9851 of 2022

Crl.O.P.No.9851 of 2022
in
Crl.A.SR.No.9923 of 2022

R.PONGIAPPAN, J.

This petition has been filed praying to grant leave to file an appeal against the order of acquittal dated 22.10.2019 passed in C.C.No.438 of 2015 on the file of the learned Judicial Magistrate No.I, Namakkal.

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

3. In the impugned judgment, it was observed that the petition mentioned cheque has not been issued for discharging the legally enforceable debt. On the other hand, there was no denial on the side of the accused before the trial court as the signature found in the cheque is not belongs to him. Moreover, in the impugned judgment, it was observed as the complaint has been filed after complying the conditions found in Section 142 of NI Act. Therefore, it would necessary to see whether Section 138 presumption has been properly applied or not. Accordingly, the petitioner shown a *prima facie* case.



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4. Hence in view of the same, leave is granted and this criminal original petition is allowed.

29.04.2022

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



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