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Crl.O.P.No.6576 of 2022

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in
Crl.A.SR.No.9744 of 2022

R.PONGIAPPAN, J.

This petition has been filed praying to grant leave to file an appeal against the order dated 17.12.2021 passed in C.C.No.5594 of 2016 on the file of the learned 19th Metropolitan Magistrate, Allikulam, Chennai.

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

3. The impugned order rendered by the learned 19th Metropolitan Magistrate, Allikulam, Chennai, is perused. The learned 19th Metropolitan Magistrate observed that the complainant has not proved the date on which, the cheque has been issued and also doubting about the liability of the accused, passed an order of acquittal.

4. Now, on going through the entire paper, it appears that at no point of time, the accused has denied the signature found in the cheque. Accordingly, in view of the Section 139 of Negotiable Instruments Act, there was a presumption arose in favour of the complainant/petitioner. But whether the presumption taken into account or not is a matter for trial.



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5. Having heard the counsel and perused the materials available on record, this Court is of the opinion that the petitioner shown a *prima facie* case for filing an appeal.

6. Accordingly, leave is granted and this Criminal Original Petition is allowed.

23.03.2022

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

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