



Crl.O.P.No.8280 of 2022
in Crl.A.SR.No.13793 of 2022

R.PONGIAPPAN, J.

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This petition has been filed to grant special leave to the petitioner herein to prefer an appeal against the judgment dated 03.03.2022 made in S.T.C.No.1 of 2021 on the file of the learned Judicial Magistrate (Fast Track Court at Magisterial Level), Omalur.

2. Heard the learned counsel appearing for the petitioner.

3. The impugned judgment dated 03.03.2022 is placed before this Court for perusal. It seems that the learned Judicial Magistrate, after observing as the execution of the cheque has not been proved by the complainant and therefore, it cannot be said that the allegation levelled against the accused was proved. Now, on going through the cross examination of P.W.1, there is no denial that the signature found in the cheque not belongs to the accused. Only during the time of examination under Section 313 Cr.P.C., the accused denied that the signature found in



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the cheque as the same not belongs to her. In otherwise, on going through the proof affidavit filed by the complainant, he has clearly narrated the execution of the cheque and therefore, the petitioner shown a *prima facie* case for filing an appeal. Accordingly, leave granted and petition is allowed.

12.04.2022

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

sri

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