



Crl.O.P.No.8287 of 2022
in Crl.A.SR.No.13880 of 2022

R.PONGIAPPAN, J.

WEB COPY

This petition has been filed to grant special leave to the petitioner herein to prefer an appeal against the judgment dated 24.11.2021 made in C.A.No.12 of 2021 on the file of the learned III Additional Sessions Judge, Kallakurichi, Kallakurichi District.

2. Heard the learned counsel appearing for the petitioner.

3. The impugned judgment dated 24.11.2021 is placed before this Court for perusal. In the impugned judgment rendered by the first Appellate Court, it was held that the alleged transaction made between the petitioner and the respondent becomes doubtful and therefore, it cannot be said that the offence under Section 138 of NI Act, was proved as against the respondent. In this occasion, on going through the whole judgment, it seems that the signature found in the cheque has not been disputed on the



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side of the respondent. Accordingly, the presumption under Section 139 of NI Act has to be properly applied or not, is a matter for enquiry.

4. Hence, in view of the above, 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.

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