



Crl.O.P.No.9361 of 2022
in Crl.A.SR.No.14827 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 20.12.2021 made in Crl.A.No.27 of 2020 on the file of the learned IV Additional District and Sessions Judge, Coimbatore.

2. Heard the learned counsel appearing for the petitioner.

3. The impugned judgment dated 20.12.2021 was placed before this Court for perusal. The first appellate court while at the time of passing an order of acquittal observed that, the petition mentioned cheque has not been issued on 15.03.2015 and further the complainant has not taken any stand that he is entitled to fill up the cheque under Section 20 of NI Act.

4. Now, on considering the said observation, this Court is of the view that, there is no necessity for the complainant to take a stand that he is eligible to fill up the cheque under Section 20 of NI Act since the same is question of law. Here, it is a case, the signature found in the cheque has not been admitted by the accused and therefore, the reasoning stated by the first appellate court in respect of the order of acquittal requires detailed appraisal.



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5. Hence, in view of the above, the petitioner shown a *prima facie* case for filing an appeal. Accordingly, leave granted.

27.04.2022

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

Sri

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