



Crl.O.P.No.8667 of 2022

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in
Crl.A.SR.No.47870 of 2021

R.PONGIAPPAN, J.

This petition has been filed praying to grant special leave to the petitioner to file above Criminal Appeal against the order of acquittal passed in C.A.No.6 of 2018, on the file of the Sessions Court, Nagapattinam dated 18.06.2019, reversing the judgment of conviction and sentence passed in C.C.No.33 of 2017 on the file of the learned Judicial Magistrate (Fast Track) Mayiladuthurai, dated 08.02.2018.

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

3. The impugned judgment dated 18.06.2019 made in C.A.No.6 of 2018, wherein the order of acquittal has been passed, is placed before this Court for perusal. In the impugned judgment, suspecting over the validity of the memo issued by the bank authorities, the first appellate Court hold that the offence under Section 138 of Negotiable Instruments Act has not been proved.



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4. On the other hand, in the judgment dated 08.02.2018 made in C.C.No.33 of 2017, in paragraph No.13, it was observed as in the reply notice sent by the accused vide Ex.P.4, the accused had admitted his signature found in the cheque. Therefore, after admitting the signature found in the cheque, the reasoning given for acquittal needs elaborate discussion.

5. Having heard the learned 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.

18.04.2022

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

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