



Crl.O.P.No.9209 of 2022

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in
Crl.A.SR.No.17277 of 2022

R.PONGIAPPAN, J.

This petition has been filed praying to grant special leave to prefer appeal from the order of acquittal passed by the learned Judicial Magistrate, Fast Track Court, Kallakurichi in C.C.No.78 of 2017 dated 21.08.2021.

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

3. The impugned judgment dated 21.08.2021 passed in C.A.No.78 of 2017, wherein the order of acquittal has been passed, is placed before this Court for perusal. On perusal, it appears that the learned Judicial Magistrate, Fast Track Court, Kallakurichi after suspecting over the capability of the petitioner as he is capable to lend huge amount as loan, came to the conclusion that the petition mentioned cheque has not been issued for the legally enforceable debt and ultimately passed an order of acquittal.



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4. On the other hand, before the trial Court, the signature of the respondent found in the cheque has not been disputed at any point of time.

Therefore, the finding in respect of the burden of proof by the petitioner needs detailed appraisal.

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.

25.04.2022

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

rts



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