



Crl.O.P.Nos.25609, 25612, 25615, 25619 & 25616 of 2021

Crl.O.P.Nos.25609, 25612, 25615, 25619 & 25616 of 2021 in
Crl.A.SR.Nos.32490, 32473, 32466, 32471 & 32463 of 2021

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R.PONGIAPPAN, J.

These petitions have been filed praying to grant leave to file an appeal against the order of acquittal dated 15.03.2021 passed in CC.Nos.489, 488, 486, 487 & 485 of 2015 on the file of the learned Judicial Magistrate, FTC-I, Coimbatore.

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

3. It was contended that trial court while at the time of acquitting the accused, observed that the statement of accounts produced by the complainant is having some variation and therefore it cannot be said the respondents in these applications committed offence under Section 138 of NI Act. Now on go through the judgments rendered by the trial court, it seems the signature and validity of the cheque has been admitted and later by saying that the statement of accounts produced by the complainant is not in



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complete form and therefore offence has not been proved. Reasoning given by the trial court require detailed appreciation as whether the complainant is having the duty to shown the liability without adverting Section 138 of NI Act.

4. Having heard the counsel appearing on either side and perused the materials available on record, this Court is of the opinion that a *prima facie* case is made out for grant of leave.

5. Accordingly, these criminal original petitions are allowed.

01.03.2022

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Note: Registry is directed to number the appeals, if they are otherwise in order.



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