



Crl.O.P.No.23438 of 2022

Crl.O.P.No.23438 of 2022 in
Crl.A.SR.No.39027 of 2022

WEB CO **P.VELMURUGAN, J.**

This Criminal Original Petition has been filed by the appellant seeking leave to file an appeal against the judgment dated 31.05.2022 passed in S.T.C.No.109 of 2017 on the file of the learned Judicial Magistrate, Fast Track Court, (Magisterial Level), Poonamallee.

2. The petitioner filed a private complaint against the respondent for the offence under Section 138 of the Negotiable Instruments Act before the Judicial Magistrate, Fast Track Court, (Magisterial Level), Poonamallee. After trial, the said complaint was dismissed by the learned Magistrate and the respondent was acquitted. Challenging the same, the petitioner has filed the present Criminal Original Petition, seeking leave to file an appeal before this Court.

3. Learned counsel for the petitioner would submit that though execution of the cheque, signature and consideration were all admitted, the learned Magistrate, dismissed the complaint. Hence, he is present before this Court seeking leave to file an appeal.



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4. Learned counsel for the respondent would submit that appeal against acquittal has to be filed within 60 days. The petitioner has filed an appeal belatedly and no appeal can be entertained after 60 days.

5. Earlier, there was a delay of 7 days in filing the above Criminal Original Petition. Despite service of notice on the respondent and his name also printed in the cause list, and since there was no response from the respondent side, the delay was condoned.

6. Heard the learned counsel on either side and perused the materials available on record.

7. Since there are arguable points in the grounds of appeal, leave is granted. The respondent is at liberty to take his defence at the time of arguments in the main appeal.

8. Registry is directed to take the appeal on file, if it is otherwise in order.

28.10.2022

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