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**Crl.O.P.No.32046 of 2022 in
Crl.A.SR 62216 of 2022**

V.SIVAGNANAM, J.

This petition has been filed to grant leave to the petitioner to prefer the Criminal Appeal against the acquittal order dated 27.10.2022 passed in C.C.No.3392 of 2012 by the Metropolitan Magistrate, Fast Track Court No.1, Egmore @ Allikulam, Chennai.

2. The learned counsel for the petitioner submitted that the petitioner filed a complaint in C.C.No.3392 of 2012 against the respondent under Section 138 of Negotiable Instruments Act for non payment of the amount, towards the dishonoured cheque bearing No.825269, dated 02.01.2012, drawn on State Bank of India, Anna Nagar Branch, Chennai-40 for a sum of Rs.5,00,000/- issued by the respondent, in favour of the petitioner. According to the petitioner, the signature found in the cheque was not denied by the respondent and also, he admitted that the above cheque was maintained by him in his bank account. However, the respondent did not let



any evidence to prove, as to how and on what circumstances, the cheque was handed over to the complainant. Without appreciating the evidence in proper perspective, the Trial Court has acquitted the respondent and passed the impugned judgment. Hence, leave may be granted to file the Appeal against the acquittal order.

3. Heard the learned counsel for the petitioner and I have perused the materials on record.

4. The points raised by the petitioner require detailed discussion and the petitioner made out a prima facie case. Hence, this Court is inclined to grant leave to the petitioner to file the Criminal Appeal.

5. Accordingly, this petition is allowed. Registry is directed to number the Criminal Appeal, if it is otherwise in order.

23.12.2022

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