



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Wednesday, the Thirtieth day of November Two Thousand and Twenty Two

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) No.18809 of 2022

IN

CRL A(MD) SR.No.35443 of 2022

A.SELVARAJA

... PETITIONER/APPELLANT/COMPLAINANT

Vs

1 M/S.SMART CHOICE RETAIL PVT. LTD.,
THROUGH ITS AUTHORIZED SIGNATORY,
M.MAGESH

... RESPONDENT/RESPONDENT
/ACCUSED NO.1

2 M.MAGESH

... RESPONDENT/RESPONDENT/ACCUSED

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to grant Special Leave to appeal against the Judgment of Acquittal dated 23.08.2022 passed by the learned Judicial Magistrate, Special Court for Exclusive Trial of Negotiable Instrument Act, Tirunelveli, in S.T.C.No.989 of 2020.

PRAYER IN CRL A(MD) SR.No.35443 of 2022 :

To call for the records and set aside the judgment and acquittal order passed by the learned Judicial Magistrate, Special Court for Exclusive Trial of Negotiable Instrument Act, Tirunelveli in S.T.C.No.989 of 2020 dated 23.08.2022 and convict the accused for the offences under section 138 r/w.142 of Negotiable Instruments Act.

ORDER : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.AAYIRAM K.SELVAKUMAR, Advocate for the petitioner and none appeared either in person or by an advocate on behalf of the Respondents, the Court made the following order:-

This petition has been filed on the ground that even though the disputed cheque was admitted by the accused, liability was challenged on the ground that it was issued as security during the business transaction. Some other technical issues have also been raised and that was not accepted by the trial Court.



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2.Considering the above said submissions, Leave is granted/-
30/11/2022

/ TRUE COPY /

/12/2022

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE,
SPECIAL COURT FOR EXCLUSIVE TRIAL OF NEGOTIABLE INSTRUMENT ACT,
TIRUNELVELI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.

ORDER
IN
CRL OP(MD) No.18809 of 2022
IN
CRL A(MD) SR.No.35443 of 2022
Date :30/11/2022

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RS/VR/SAR.3(09.12.2022) 2P-3C