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Crl.O.P.No.32 of 2023 in Crl.A.Sr.No. 48798 of 2022

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in

Crl.A.Sr.No 48798 of 2022

V.SIVAGNANAM, J.

This petition has been filed to grant leave to file an appeal against the order of acquittal passed by the learned FTC.II Metropolitan Magistrate, Egmore, Allikulam, Chennai in C.C.No.1965 of 2019 dated 06.08.2022.

2. The learned counsel for the petitioner submitted that, the petitioner filed a private complaint in C.C.No.1965 of 2019 before the FTC.II Metropolitan Magistrate, Egmore, Allikulam, Chennai against the respondent under Section 138 of Negotiable Instruments Act for non payment of Rs.5,75,000/-, towards the dishonoured cheque. He further submitted that, the Trial Court, vide judgment dated 06.08.2022 acquitted the respondent from the charge leveled against him under Section 138 of Negotiable Instruments Act. The learned counsel for the petitioner further submitted that, without appreciating the evidence adduced by the petitioner in proper perspective and without affording sufficient opportunities as contemplated under law, the trial Court has passed the impugned acquittal order and hence, leave may be granted to file Criminal Appeal.

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



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materials on record.

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4. It is seen from the records that, the Trial Court has acquitted the respondent from the charge under Section 138 of Negotiable Instruments Act. Therefore, *prima facie*, there is a case for re-appreciating the evidence both on facts and law. As such, this court is inclined to grant leave to the petitioner.

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

05.01.2023

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Crl.A.SR.No.48798 of 2022

05.01.2023