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CrI.O.P No.2610 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **06.02.2023**

CORAM:

THE HONOURABLE Ms. JUSTICE R.N.MANJULA

CrI.O.P No.2610 of 2023
in CrI.A.Sr. No.4973 of 2023

Yogarajan

... Petitioner

Vs.

J.Gangatharan

... Respondent

Criminal Original Petition is filed under Section 378(4) of Criminal Procedure Code to grant special leave to file appeal against the judgment dated 28.12.2022 passed by the learned Judicial Magistrate, Fast Track Court at Magistrate Level, Coonoor in S.T.C. No.25 of 2021.

For Petitioners : Mr.L.Mouli

ORDER

This Criminal Original Petition has been filed to grant special leave to file appeal against the judgment dated 28.12.2022 passed by the learned Judicial Magistrate, Fast Track Court at Magistrate Level, Coonoor in S.T.C. No.25 of 2021.



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2. The learned counsel for the petitioner submitted that despite the respondent had not denied the signature in the impugned cheque and did not rebut the initial presumption, the learned trial Judge had acquitted the accused.

3. The records would show that the accused did not let in any evidence from his side. The learned trial Judge had proceeded to record a finding that the petitioner did not have financial capacity to lend a sum of Rs.4,90,000/-. Since the records would show that the respondent did not produce any fundamental evidence to show that the petitioner is incapable to lend the said amount, I feel leave should be granted to the petitioner to file an appeal.

4. Accordingly, this Criminal Original Petition is allowed.

06.02.2023

Index : Yes/No
bkn



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To:

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1. The Judicial Magistrate,
Fast Track Court at Magistrate Level,
Coonoor.
2. The Public Prosecutor,
High Court, Madras.



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R.N.MANJULA, J.,

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