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Crl. O.P. No.15390 of 2023 and Crl.A.SR No.10671 of 2023

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and
Crl.A.SR No.10671 of 2023

R.HEMALATHA, J.

This petition is filed under Section 378(4) Cr.P.C, to grant special leave to file an appeal against the judgment dated 23.12.2022 passed in C.C. No.312/2017 by the Judicial Magistrate, Fast Track Court No.I, Coimbatore.

2. The trial court judge had observed in his judgment that the complainant in his proof affidavit has indicated altogether different cheque number and that the reply notice sent by the accused to the complainant also probabilises the case of the accused, since in the said notice the accused had clearly mentioned that he had handed over 3 unfilled cheques as security for the financial transaction between him and the complainant.



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3. Mr.S. Ramachandran, learned counsel for the petitioner contended that the signature of the accused was admitted on the cheque and that the cheque indicated in the proof affidavit is with regard to some other transaction between the same parties and that the accused even though explained this during the course of questioning under Section 313 Cr.P.C., the trial court did not consider the same.

4. In the circumstances, there are some arguable points in the present appeal and accordingly, special leave is granted.

5. Registry is directed to number the Criminal Appeal, if it is otherwise in order, call for the records, prepare paper books and list the matter in the usual course.

10.07.2023

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