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Crl. O.P. No.8183 of 2023
in Crl.A.SR No.14329 of 2023

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R.HEMALATHA, J.

This petition is filed under Section 378 (4) Cr.P.C, to grant special leave and permit the petitioner to prosecute the above appeal filed against the order of acquittal dated 08.12.2022 made in S.T.C.No.1170/2015 on the file of the Judicial Magistrate No.1, Pollachi.

2.Heard Mr.K.Balasubramaniam, learned counsel for the petitioner.

3.The learned counsel for the petitioner/complainant contended that though the respondent/accused admitted his signature on the cheque, the trial Court had held that the complainant had not proved that he supplied materials to the accused and that he also admitted during the course of cross examination that he did not issue receipts for the payments made by the accused. His specific contention is that though the complainant adduced several documents like statement of accounts,



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income tax returns, auditor's certificate etc. the trial Court had simply acquitted the accused.

4.In the said circumstances, there are arguable points in the main appeal and therefore, special leave is granted as prayed for.

5. Registry is directed to number the Criminal Appeal, if it is otherwise in order and list the matter under the caption "For Admission" after two weeks.

14.07.2023

mtl



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