



WEB COPY



Crl.O.P.No.22087 of 2023
in Crl.A.SR No.27942 of 2023

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R.HEMALATHA, J.

This petition is filed under Section 378 (4) Cr.P.C., to grant leave to prefer an appeal against the judgment dated 28.02.2023 made in C.C.No.115 of 2018 on the file of the learned Judicial Magistrate, Mettupalayam.

2. Heard Mr.K.Govi ganesan, learned counsel for the petitioner.

3. Learned counsel for the petitioner contended that though the accused admitted his signature on the cheque, the trial Court acquitted him on the ground that since the complainant was cross examined by the accused that he (complainant) had subsequently filled up the promissory note and cheque, the accused had rebutted the presumption under Section 139 of the Negotiable Instruments Act. According to the counsel, the suggestion put to the complainant in this regard was stoutly denied by him.



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vum

4. In the said circumstances, there are arguable points in the main appeal and therefore, 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".

27.09.2023

vum

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