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Crl. O.P. No.13740 of 2023
in Crl.A.SR No.8862 of 2023

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R.HEMALATHA, J.

This petition is filed under Section 378 (4) Cr.P.C, to grant special leave to file an appeal against the order dated 17.10.2022 made in STC.No.49 of 2019 on the file of the learned District Munsif cum Judicial Magistrate, Gummidipoondi.

2.Heard Mr.E.Giri Rajan, learned counsel for the petitioner and Mr.D.Dayanithi, learned counsel for the respondent.

3.The learned counsel for the petitioner contended that the trial Court had come to the conclusion that the accused is not guilty of the offences under Sections 138 of the Negotiable Instruments Act, on the basis that the complainant had failed to prove the fact that he had sufficient means to lend a sum of Rs.6,00,000/- to the accused. According to the learned counsel for the petitioner, the orders passed by the trial Court Judge acquitting the accused is erroneous especially when the accused had not denied his signature on the cheque.



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4.In the facts and circumstances of the present case, 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, call for the records, prepare paper book and list the matter in usual course.

06.07.2023

mtl



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