



Crl.O.P.No.15052 of 2023 and Crl.A.SR No.62513of 2022

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and
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R.HEMALATHA, J.

This Criminal Original Petition is filed under Section 378 of the Criminal Procedure Code, to grant leave to the petitioner for filing the present appeal challenging the Judgment of acquittal dated 19.10.2022 in STC.No.120 of 2018 on the file of the learned Special Judicial Magistrate (Land Grabbing Cases), Salem.

2. Heard, Mr.D.Shivakumaran learned counsel appearing for the petitioner.

3. The learned counsel appearing for the petitioner contended that though the respondent admitted the signature on the cheque, the Trial Court had held that the respondent had rebutted the initial presumption raised under Section 139 of the Negotiable Instruments Act, and therefore, he is liable to be acquitted. It is specifically contended that the respondent/accused did not adduce any acceptable evidence as observed by the Trial Court.

4. In the above circumstances, there are arguable points in the present case, and therefore, the special leave is granted as prayed for and accordingly the Criminal Original Petition stands allowed.



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

6. The petitioner shall issue notice to the learned counsel who appeared for respondent before the Trial Court.

07.07.2023

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