



WEB COPY



Crl.O.P.No.22878 of 2023

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in
Crl.A.SR.No.30937 of 2023

M. NIRMAL KUMAR, J.

This petition is filed seeking to grant leave to file an appeal against the judgment dated 27.04.2023 made in C.C.No.889 of 2017.

2. The petitioner has filed a private complaint under Section 138 of Negotiable Instruments Act in C.C.No.889 of 2017 filed against the respondent/accused. The trial Court, by judgment dated 27.04.2023, dismissed the complaint and acquitted the respondent/accused, against which, the present leave petition.

3. The contention of the petitioner is that the trial Court by partly considering the evidence of one Gunasekaran, brother-in-law of the petitioner with regard to his friendship with the respondent and independent business understanding between them, came to a conclusion that the cheque given to Gunasekaran by the respondent had been used by this petitioner and a complaint has been filed. The trial Court failing to look into the fact that said Gunasekaran not supported the case of the accused and in fact, he was treated as hostile. Gunasekaran clearly and categorically denied that he



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received cheque to tied over the difference between him and his father-in-law and for which the cheque in question has been handed over and the same has been misused by the petitioner. This part of the evidence had not been considered by the trial Court.

4. Finding reasons in the petitioner's submission, this Court is inclined to grant leave. Accordingly, leave is granted.

13.10.2023

Note: Registry is directed to number the Criminal Appeal, if it is otherwise in order.
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