



Crl.O.P.No.27628 of 2023 in Crl.A.SR.No.33216 of 2023

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M.NIRMAL KUMAR., J.

The petitioner/complainant in C.C.No.573 of 2015 filed this petition to grant leave to file an appeal against the judgment of acquittal dated 15.09.2023 passed by the learned Judicial Magistrate No.I, Gobichettipalayam.

2.The learned counsel for the petitioner submitted that the respondent is a surety to the subscriber of the chit and she undertakes to discharge their liability. Since the subscribers of the chit not paid the subscription amount, the respondent ought to have discharged the liability. After following the statutory conditions, the above complaint filed which ended in acquittal. He further submitted that the respondent took a stand before the trial Court that the cheque was issued as security and she has got nothing to do with the chit transactions. The Trial Court without considering the evidence and materials, acquitted the respondent, against which, the present Criminal Appeal and the leave grant petition.



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3.Considering the submissions and on perusal of the materials, it is seen that the the petitioner is a chit company and since the respondent stood as a guarantor to the subscribers, she handed over cheque to the petitioner company. Further, the respondent not disputed the signature in the cheque nor issuance of the same. Any dispute with regard to subscribers of the chit and to the petitioner, it is for them to settle it separately, which will not absolve the respondent to discharge the liability to the petitioner.

4.Finding reason in the submission of the learned counsel for the petitioner, this Court is inclined to grant leave. Accordingly, leave granted.

5.The Registry is directed to number the appeal and post for admission, if it is otherwise in order.

13.12.2023

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