



WEB COPY



Crl. O.P. No.13172 of 2023 and Crl.A.SR No.38161 of 2022

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and
Crl.A.SR No.38161 of 2022

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 10.11.2021 passed in C.A. No.77 of 2019 on the file of the XVIII Additional Judge, City Civil Court, Chennai.

2. Heard Mr. K. Balamurali, learned counsel for the petitioner.

3. The present complainant filed a private complaint under Section 200 Cr.P.C. before the Metropolitan Magistrate, Fast Track Court -II, Egmore, Allikulam, Chennai-3, in CC Nos. 213/2013 & 214/2013 for an offence punishable under Section 138 of the Negotiable Instruments Act. The trial court convicted the respondent/accused for the said offence and sentenced him to undergo simple imprisonment for one year for each case and to pay a sum of Rs.4,60,00,000/- (in both cases) as compensation under Section 357 (3) Cr.P.C., in default, to undergo simple imprisonment for further period of three months. Aggrieved over the



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same, the accused filed an appeal in C.A.Nos.77 and 78 of 2019 before the XVIII Additional Sessions Judge, City Civil Court, Chennai, in which the accused was acquitted. The learned Additional Sessions Judge, vide her orders dated 10.11.2021, had observed that the accused's contention that he handed over the cheque only in favour of Jayam & Company and that the said Jayam & Company, in turn, had handed over the cheque to the present complainant is acceptable. The learned Additional Sessions Judge, had also observed that there are certain discrepancies in the dates of the cheques.

4. In the circumstances, there are some arguable points in the present appeal and accordingly, special leave is granted.

5. Registry is directed to number the Criminal Appeal, if it is otherwise in order, and list the matter for admission on 01.08.2023.

28.07.2023

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