



Crl.O.P.No.15047 of 2023 and Crl.A.SR No.39584 of 2022

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and
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R.HEMALATHA, J.

This Criminal Original Petition is filed under Section 378 (4) Cr.P.C, to grant special leave to file an appeal against the Judgment and Order of Acquittal dated 23.03.2022 made in STC.No.595 of 2017 on the file of the learned Judicial Magistrate, Fast Track Court No.II, Erode.

2. Heard, Mr.S.Senthil learned counsel appearing for the petitioner.

3. The learned counsel appearing for the petitioner contended that the Trial Court had dismissed the private complaint filed under Section 200 of Cr.P.C. against the respondent for the offences under Sections 138 and 142 of the Negotiable Instruments Act, 1881 mainly on the ground that the complainant was not present before the Court on the date of trial.

4. In the facts and circumstances of the present case, there are arguable points in the main appeal 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 usual course.

07.07.2023

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