



WEB COPY



Crl. O.P. No.20101 of 2023
in Crl.A.SR No.42361 of 2023

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R.HEMALATHA, J.

This petition is filed under Section 378 (4) Cr.P.C, to grant leave and permit the petitioner to prosecute the above appeal filed against the order of acquittal dated 23.06.2023 made in S.T.C.No.455/2016 on the file of the Judicial Magistrate Court No.3, Erode.

2. Heard Mr.S.Arunprasath, learned counsel for the petitioner.

3.Learned counsel for the petitioner contended that though the accused admitted his liability to pay a sum of Rs.29,03,849/- to the complainant. The trial court had acquitted him on the ground that the cheque amount is mentioned as Rs.33,39,561/- and the complainant had also in his complaint had specifically contended that the accused borrowed a sum of Rs.33,39,561/-. According to the counsel, subsequent to the filing of S.T.C.No.455/2016 the accused paid a sum of Rs.6,00,000/- to the complainant.

4. In the circumstances, there are arguable points in the main appeal and therefore, special leave is granted as prayed for.



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mtl

5.Registry is directed to number the Criminal Appeal, if it is otherwise in order and list the matter under the caption "For Admission" in the usual course.

01.09.2023

mtl

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