



WEB COPY



Crl.O.P.No.22871 of 2023

Crl.O.P.No.22871 of 2023
in
Crl.A.SR.No.44048 of 2023

M. NIRMAL KUMAR, J.

This petition has been filed seeking to grant special leave to file an appeal against the judgment dated 01.07.2023 made in C.C.No.252 of 2019.

2. Learned counsel for the petitioner submitted that the trial Court on erroneous appraisal of the evidence, rendered a judgment of acquittal. In this case, the respondent/accused admits his signature in the cheque. His explanation is that the said cheque was issued to one Sengottaiyan S/o.Chinnamalai as security for the hand loan borrowed by one Rajkumar. This cheque had been used by this petitioner/appellant, who is Sengottaiyan S/o.Venkatachalam. The trial Court found contradictions in the evidence of P.W.1 and D.W.3/son-in-law of the petitioner with regard to their visitation to the bank of the accused, who is an officer in State Bank of India, Erode Branch. The trial Court came to the conclusion that D.W.3 and his father have no account in State Bank of India, Erode Branch. But failing to look into the fact that D.W.3 categorically stated that he approached respondent/accused for obtaining loan. It is an admitted fact that the

M. NIRMAL KUMAR, J.



Crl.O.P.No.22871 of 2023

rsi

WEB COPY

respondent is an officer in the State Bank of India, Erode Branch. Neither Rajkumar nor Sengottaiyan S/o.Chinnamalai have been examined as witnesses by the accused to disprove the fact that cheque was handed over as security on behalf of Rajkumar. When the respondent admits his signature in the cheque, the statutory presumption under Sections 118 and 139 of N.I. Act comes into play. Hence, the appraisal of the evidence of the trial Court is not proper and the judgment of acquittal is perverse.

3. 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.

rsi

Crl.O.P.No.22871 of 2023
in
Crl.A.SR.No.44048 of 2023