



WEB COPY



Crl.O.P.No.22389 of 2023
in Crl.A.SR.No.47764 of 2023

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M.NIRMAL KUMAR, J.

The petitioner/complainant in C.C.No.1624 of 2019 filed this petition to grant leave to file an appeal against the order of acquittal dated 10.08.2023 passed by the learned Metropolitan Magistrate, Fast Track Court at Magistrate Level-V at Saidapet.

2.The contention of the learned counsel for the petitioner is that the Trial Court had erroneously stated that certificate under Section 65B of Indian Evidence Act has not been produced with regard to Ex.P4 and Ex.P5. He would submit that while marking the documents Ex.P4 and Ex.P5, there have been no objection by the respondent and thereafter during cross examination also, the same has not been questioned. If that being so, the Trial Court on its notion finding that certificate under Section 65B of Indian Evidence Act had not been given is not proper. He further submitted that the respondent has not given any reason as how the respondent has got the cheque of the petitioner and further, in the initial questioning as well as in Section 313 Cr.P.C. questioning, there has been contra explanation exposing his guilt. The Trial Court failed to consider that the respondent had not probalilise his defence and on the technical ground dismissed the complaint.



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

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

08.11.2023

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