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Crl.O.P.No.22111 of 2023
in Crl.A.SR No.48080 of 2023

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R.HEMALATHA, J.

This petition is filed under Section 378 (4) Cr.P.C., to grant leave to prefer an appeal against the judgment dated 21.07.2023 made in C.C.No.1615 of 2018 on the file of the learned Metropolitan Magistrate, Fast track Court at Magistrate level - V, Saidapet, Chennai.

2. Heard Mr.R.Surya Prakash, learned counsel for the petitioner.

3. Learned counsel for the petitioner contended that though the accused did not deny his signature on the cheque, the trial Court acquitted him by observing thus:

(g) Accused raised another question that the accused borrowed money from Suresh and Harinarayanan. D.W.1 Stated that the accused not borrowed money from complainant. The Police complaint, Ex.D1 lodged by accused before issuance of legal notice by the complainant, complainant Receipt also marked as Ex.D2 and P.W.1 was denied about Ex.D1. Therefore, the complainant failed to prove and



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not explain about Ex.D1 and D2 and failed to disclose about police complaint. The case cheque also mentioned in Ex.D1. Hence, the accused creates valid doubt about transaction, execution of promissory, execution of cheque and execution of loan deed.

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

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

27.09.2023

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