



CrI.O.P.No.23620 of 2023 in CrI.A.SR.No.48095 of 2023

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M.NIRMAL KUMAR., J.

The petitioner as a complainant filed a private complaint for offence under Section 138 of the Negotiable Instruments Act, 1881 against the respondent in C.C.No.7925 of 2006 before the learned Metropolitan Magistrate, Fast Track Court No.I, Egmore @ Allikulam, Chennai (trial Court). The trial Court, by judgment, dated 10.08.2022 convicted the respondent. Aggrieved over the same, the respondent preferred an appeal before the learned Principal Sessions Judge, Chennai (lower appellate Court) in C.A.No.190 of 2022. The lower appellate Court, by judgment, dated 27.03.2023 allowed the appeal setting aside the judgment of the trial Court, dated 10.08.2022.

2.The contention of the petitioner is that the petitioner Company is dealing with the distribution and sale of consumable beverages and mineral water products. The respondent is a distributor to whom the goods of the petitioner delivered on credit basis and there was running of continuous business. After sometime, the respondent failed to make the payment and



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the accumulated due to the tune of Rs.6,89,214/-, for which, he issued the cheque (Ex.P2) which on presentation, got dishonoured. The trial Court on the evidence and materials rightly convicted the respondent, but the lower appellate Court acquitted the respondent on the ground that there is no explanation for Ex.D1. He further submitted that the trial Court had given a finding that Ex.D1 is a got-up document for the purpose of the case.

3.Finding reason and force in the submissions made by the learned counsel for the petitioner, this Court is inclined to grant leave. Accordingly, leave is granted.

16.10.2023

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Note: Registry is directed to number the Criminal Appeal, if it is otherwise in order and the post the same for Admission on 10.11.2023.

M.NIRMAL KUMAR., J.



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