



Crl.O.P.No.22937 of 2023

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in
Crl.A.SR.No.49523 of 2023

M. NIRMAL KUMAR, J.

This petition is filed seeking to grant leave to file an appeal against the judgment dated 23.03.2023 made in S.T.C.No.519 of 2021.

2. The contention of the petitioner is that the petitioner though proved that the cheque was issued by the respondent/accused, who signed the same, the accused taken a defence that he has no liability to pay any amount to the complainant. It is a settled position in several judgments that once a signed cheque has been issued, the signatory gives a mandate to the borrower of the cheque to fill up the cheque. In this case, the respondent received Rs.10,00,000/- as loan. The respondent relying upon Ex.D1, projected the case as though only Rs.4,00,000/- received and this Rs.4,00,000/- has been repaid. The petitioner filed a detailed written submissions and citations but nothing has been considered and discussed by the trial Court.



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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.
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