



Crl.O.P.No.1086 of 2023 in
Crl.A.SR.No.54032 of 2022

WEB C R.N.MANJULA,J.

This Petition has been filed to grant special leave to file an Appeal against the judgment dated 01.08.2022 passed by the learned Judicial Magistrate, Yanam in STC No.77 of 2016.

2. Heard the learned counsel for the petitioner and the learned counsel for the respondent.

3. The learned counsel for the petitioner submitted that despite there is no denial of the signature in the impugned cheque, the learned Trial Judge has acquitted the accused on the finding that in view of some enmity between the petitioner and the respondent, there would not be any possibility for the accused to borrow any amount from the petitioner. The learned counsel for the petitioner further submitted that on the relevant day, his bank statement would show that he has withdrawn Rs.10,00,000/- and that has been paid to the respondent in cash as demanded by him.

4. Though the said payment is a fact to be proved before the Court, in the given situation that the respondent did not deny his signature, I feel the petitioner could establish a good case in Appeal.

5. Considering the same, leave is granted as prayed for.

gsk

20.01.2023



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R.N.MANJULA,J.

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