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Crl.O.P.No.24723 of 2023

Crl.O.P.No.24723 of 2023
in
Crl.A.SR.No.51805 of 2023

M. NIRMAL KUMAR, J.

This petition is filed seeking to grant special leave to the petitioner to file an appeal against the order of the VII Additional District and Sessions Court, Chennai made in C.A.No.273 of 2022 dated 28.07.2023 pending on the file of this Court.

2. The petitioner/complainant filed a private complaint under Section 138 of the Negotiable Instruments Act against the respondent in C.C.No.2069 of 2016. The Trial Court, by judgment dated 08.09.2022, convicted the respondent/accused and sentenced him to undergo two years simple imprisonment and to pay the compensation of double the cheque amount. Aggrieved against the same, the respondent filed an appeal in C.A.No.273 of 2022 before the learned VII Additional District and Sessions Judge, Chennai. The learned Sessions Judge, by judgment dated 28.07.2023, reversed the judgment of the trial Court by allowing the appeal and acquitted the respondent.

3. The contention of the learned counsel for petitioner is that the lower Appellate Court reversing the judgment of trial Court is error apparent, wherein



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the lower Appellate Court found that Ex.P9/Bank return memo has been manipulated but that is not the plea taken during the trial and there is no evidence to that effect. The lower Appellate Court on its own interpretation had given such finding and acquitted the accused.

4. Finding reason in the petitioner's submission and further it is a contrary judgment, this Court is inclined to grant leave. Accordingly, leave is granted.

02.11.2023

Note: Registry is directed to number the Criminal Appeal, if it is otherwise in order.
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