



CrI.O.P.No.25214 of 2023
in CrI.A.SR.No.54598 of 2023

CrI.O.P.No.25214 of 2023
in
CrI.A.SR.No.54598 of 2023

M.NIRMAL KUMAR, J.

The petitioner as complainant filed a private complaint against the respondent under Section 138 of Negotiable Instruments Act in C.C.No.634 of 2021. The learned Judicial Magistrate, Additional Mahila Court, Namakkal by judgment dated 19.09.2023 dismissed the complaint and acquitted the respondent.

2.The contention of the learned counsel for the petitioner is that the Lower Court dismissed the complaint on two grounds, firstly the petitioner had no wherewithal to extend a loan of Rs.4,50,000/- to the respondent and secondly, the respondent had taken a loan from Senthil Velan Finance, the same was repaid and at the time of availing loan, security cheque was given to Senthil Velan Finance which was misused by the petitioner. He would submit that the accused examined herself as D.W.1 and one Saravanakumar who the Managing Director of Senthil Velan Finance, was as D.W.2. The said Saravanakumar in his evidence had categorically stated that he has got



CrI.O.P.No.25214 of 2023
in CrI.A.SR.No.54598 of 2023

WEB COPY

nothing to do with Senthil Velan Finance and he submitted that the respondent's husband availed loan from him which is a independent transaction and for which, he is taking appropriate steps to recover the same.

3.Learned counsel for the petitioner further submitted that the petitioner is employed in a Co-operative bank, he possess lands in his name, his father was a retired Government servant and he has sufficient funds with him. He would further submit since the respondent is known to him and on her request, he extended a loan of Rs.4,50,000/- and for discharge of the said liability, cheque was issued. There is nothing to probabalize that this liability was discharged. He further submitted that the Lower Court failed to consider these facts, when the evidence is otherwise it rendered the judgment of acquittal.

4.Finding reason in the submission of the learned counsel for the petitioner, this Court is inclined to grant leave. Accordingly, leave granted.

4.The Registry is directed to number the appeal and post for



CrI.O.P.No.25214 of 2023
in CrI.A.SR.No.54598 of 2023

admission, if it is otherwise in order.

WEB COPY

22.11.2023

cse



WEB COPY



Crl.O.P.No.25214 of 2023
in Crl.A.SR.No.54598 of 2023

M.NIRMAL KUMAR, J.

cse

Crl.O.P.No.25214 of 2023
in
Crl.A.SR.No.54598 of 2023

22.11.2023