



CrI.O.P.No.25387 of 2023
in CrI.A.SR.No.55501 of 2023

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M.NIRMAL KUMAR, J.

The petitioner/complainant in S.T.C.No.51 of 2020 filed this petition to grant leave to file an appeal against the order of acquittal dated 05.09.2023 passed by the learned Judicial Magistrate, Fast Track Court at Magistrate Level, Tiruvallur.

2.The contention of the learned counsel for the petitioner is that a cheque for a sum of Rs.10,00,00/- was issued by the respondent for removing the encumbrance and other obstacles in the property and also clear the property free from all encumbrances. The petitioner is a builder who is conversant in removing the obstacles and clear the property from encumbrances. Knowing about the same, the respondent/accused approached the petitioner and entrusted the work, for which, a cheque for a sum of Rs.10,00,000/- was issued. The petitioner cleared the encumbrances as promised, incurred expenditure and after informing the respondent about



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his liability to pay the petitioner, the cheque was deposited which got dishonoured. Hence, the petitioner filed a complaint before the learned Judicial Magistrate, Fast Track Court at Magistrate Level, Tiruvallur in S.T.C.No.51 of 2020.

3.The learned Magistrate dismissed the complaint and acquitted the respondent/complaint on three grounds stating that except the cheque no other document had been produced, no witness other than the complainant was examined and interest portion had not been clearly spoken to. Further, the learned Magistrate relied upon the evidence of D.W.1 and documents Ex.D1 to Ex.D10. Learned counsel for the petitioner would submit that suit relied upon by the learned Magistrate was filed by the respondent's mother and the petitioner is only a formal party. He further submitted that the respondent has not denied his signature or issuance of cheque and had not probabalize his defence.

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



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4.The Registry is directed to number the appeal and post for admission, if it is otherwise in order.

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