



WEB COPY



Crl.O.P.Nos.26341, 26478 & 26673 of 2023

Crl.O.P.Nos.26341, 26478 & 26673 of 2023
in
Crl.A.SR.Nos.57222, 57226 & 57188 of 2023

M. NIRMAL KUMAR, J.

These petitions have been filed seeking to grant special leave to the petitioner to prefer the above criminal appeals.

2.The petitioner as complainant has filed three complaints under section 138 of the Negotiable Instruments Act against the respondent in STC Nos.151, 152 and 153 of 2021. The Trial Court by judgment dated 12.10.2023, dismissed all three complaints, acquitted the respondent, against which the present appeals. In all the three cases the trial was conducted simultaneously, the complainant and accused are common and evidence is also common, though recorded individually.

3.The contention of the petitioner is that the petitioner/complainant and respondent/accused were business partners. During the business, there was some liability by the respondent towards the petitioner. Hence, in discharge of the same cheques were given. Now the respondent had taken a stand that during the business, the cheques of the respondent were given to one Ganesh Kumar, who is a Financier and these cheques have landed in the hands of the petitioner



WEB COPY



Crl.O.P.Nos.26341, 26478 & 26673 of 2023

M. NIRMAL KUMAR, J.

rsi

for which there is no liability and a case has been registered. In support of his contention the respondent got into the box and examined himself as DW1 and marked Exs.D1 to D8. The Trial Court finding that the respondent probalised his defence is not proper for the reason that the said Ganesh Kumar not examined as witness, no steps taken to bring him to the box to confirm and corroborate the defence of the respondent. Further from the defence exhibits it is seen that after issuance of statutory notice, Exs.D1 to D8 created. In view of the same, the Trial Court ought to have disbelieved the defence.

4.Finding reason and force in the petitioner's submission, this Court is inclined to grant leave. Accordingly, leave is granted.

27.11.2023

Note: Registry is directed to number the Criminal Appeals, if they are otherwise in order.
rsi

Crl.O.P.Nos.26341, 26478 & 26673 of 2023



WEB COPY



Crl.O.P.Nos.26341, 26478 & 26673 of 2023

in
Crl.A.SR.Nos.57222, 57226 & 57188 of 2023