



Crl. O.P. No.1891 of 2023 and Crl.A.SR No.63568 of 2022

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and
Crl.A.SR No.63568 of 2022

R.HEMALATHA, J.

This petition is filed under Section 378(4) Cr.P.C, to grant special leave to file an appeal against the judgment of the appellate court in C.A. No.58 of 2018 passed by the learned V Additional Sessions Judge, Coimbatore, reversing the judgment passed in C.C. No.304 of 2015 passed by the learned Metropolitan Magistrate, FTC-II, Coimbatore.

2. Mr.L.Rajasekar, learned counsel for the petitioner contended that though the respondent/accused admitted his signature on the cheque, the learned V Additional Sessions Judge, Coimbatore, had acquitted the accused without considering the presumptions under Sections 118 and 139 of the Negotiable Instruments Act. He would further contend that even though the complainant had produced the ledger and the other Account Books before the Court, the first appellate court without considering the same had acquitted the accused without any basis that a cheque issued for chit fund transaction was misused by the present complainant.



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3. In the circumstances, there are some arguable points in the present appeal and accordingly, special leave is granted.

4. Registry is directed to number the Criminal Appeal, if it is otherwise in order, and list the matter for admission in usual course.

13.07.2023

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