



WEB COPY



Crl.O.P.No.32676 of 2022
in Crl.A.Sr.No.63699 of 2022

V.SIVAGNANAM, J.

This petition has been filed to grant leave to file an appeal against the acquittal order passed by the trial Court in S.T.C.No.1572 of 2018 dated 16.11.2022.

2. The petitioner/complainant has filed a complaint against the respondent/accused for having committed an offence punishable under Section 138 of N.I.Act. The trial Court acquitted the accused on the ground that the proprietorship company was not arrayed as a party to the proceedings as per Section 138(b) of N.I.Act.

3. With regard to proprietorship, as to adding of proprietor is enough or not, whether the complaint is maintainable or not, is a matter for trial with the documents and further the cheque has been issued in the capacity of the proprietor.

4. In this circumstance, *prima facie* attracts there is a case for detailed appraisal. Hence leave granted.

03.01.2023

rpl

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