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Crl.O.P.No.27630 of 2023

Crl.O.P.No.27630 of 2023
in
Crl.A.SR.No.51458 of 2023

M. NIRMAL KUMAR, J.

This petition has been filed seeking to grant special leave to the petitioner to prefer the above criminal appeal.

2.The petitioner as complainant has filed a private complaint under Section 138 of the Negotiable Instruments Act against the respondents in S.T.C.No.580 of 2021. The Trial Court by judgment dated 09.08.2023 dismissed the complaint and acquitted the respondents, against which, the present leave petition.

3.The contention of the petitioner is that the Trial Court proceeded on a wrong notion without proper appraisal of both oral and documentary evidence. On 06.01.2017, the respondents 2 and 3 received Rs.50,00,000/- from the petitioner's company for a different transaction. In discharge of the said liability, they gave a cheque for Rs.50,00,000/-, which has got dishonoured, which was projected by the respondent that this is part of the sale transaction for a property of 8.75 crores and hence, there is no liability for the cheque. She further submitted that the petitioner got into the box gave explanation and also



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details about the transaction between the petitioner and the respondent. The Trial Court on the other hand relied upon the evidence of DW1 and proceeded on a wrong notion. The issuance of cheque, promissory note and signature are not disputed. Further, how this Rs.50,00,000/- has been discharged, there is no explanation except for citing the sale transaction, which was marked as Ex.D1 and sale deed/Ex.D2 dated 09.01.2017, which is an independent transaction.

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

18.12.2023

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