



WEB COPY



Crl.O.P.No.28234 of 2023
in Crl.A.SR.No.61404 of 2023

Crl.O.P.No.28234 of 2023
in
Crl.A.SR.No.61404 of 2023

M.NIRMAL KUMAR, J.

The petitioner filed a private complaint under Section 138 of Negotiable Instruments Act in S.T.C.No.1050 of 2021 before the learned Special Metropolitan Magistrate. XVI Small Causes Court, Chennai. The Lower Court by judgment dated 15.09.2023 dismissed the complaint and acquitted the respondent. Against which, the petitioner filed the present petition seeking leave to file an appeal.

2.The contention of the petitioner is that the Lower Court dismissed the complaint on the reason that in the complaint it was mentioned that the loan amount of Rs.2 lakhs was given to the respondent on 20.07.2018, on the contrary in Ex.P,1 the date of agreement was recorded as 20.07.2017 and this discrepancy is being highlighted and the complaint was dismissed.



WEB COPY



CrI.O.P.No.28234 of 2023
in CrI.A.SR.No.61404 of 2023

3.The learned counsel for the petitioner submitted that the petitioner studied only upto 6th standard with limited education and knowledge. He would submit that this discrepancy would not affect the case in any manner. Since the cheque is dated 17.09.2018, the year mentioned as 2017 or 2018 would not make the debt debarred by limitation. Thus, giving the date wrongly in the complaint would not affect the case of the prosecution.

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

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

21.12.2023

cse



WEB COPY



Crl.O.P.No.28234 of 2023
in Crl.A.SR.No.61404 of 2023

M.NIRMAL KUMAR, J.

cse

Crl.O.P.No.28234 of 2023
in
Crl.A.SR.No.61404 of 2023

21.12.2023