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1

CrI.OP(MD)No.16308 of 2022
in
CrI.A(MD)SR No.31313 of 2022

G. ILANGO VAN, J

This petition has been filed to grant leave to file appeal against the order of acquittal passed in CC No.83 of 2020, dated 23.06.2022 by the Judicial Magistrate-cum-Fast Track Court, Uthamapalayam.

2.Heard both sides.

3.It is a case of 138 of the Negotiable Instruments Act. The judgment has been delivered on the ground that the transaction itself was doubted based on the evidence of PW1 to the effect that A2 did not issue the cheque as security.

4.The learned counsel appearing for the petitioner would submit that when the issue of the cheque is not denied by the second accused on behalf of the first accused, the judgment of acquittal that was passed by the trial court on the basis of the cross examination by PW1 is not correct, since it was not considered in the light of the circumstance.



5. Whether the trial court was correct in its judgment of acquittal on the basis of the above said admission of PW1, is a matter for consideration in the appeal.

6. Since it is arguable point involved by interpreting the evidence, leave is granted and accordingly, this petition is **allowed**.

01/03/2023

Index:Yes/No
Internet:Yes/No
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3

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Cr1.OP (MD) No.16308 of 2022
in
Cr1.A (MD) SR No.31313 of 2022

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