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Crl.O.P.No.2857 of 2024
in Crl.A.No.1354 of 2023

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M. NIRMAL KUMAR, J.

This petition has been filed to grant leave to the petitioner to file an appeal against the acquittal of the respondent.

2.The petitioner as complainant had filed a private complaint under Section 138 of the Negotiable Instruments Act in S.T.C.No.287 of 2015. The Trial Court by judgment dated 11.09.2017 dismissed the complaint and acquitted the respondent, against which, the present appeal has been filed.

3.The petitioner earlier filed an appeal before the Sessions Court in C.A.No.164 of 2017. In view of Full Bench judgment in *Crl A No.89 and 90 of 2020* and *Crl RC No.494 & 536 of 2019 dated 28.05.2020* the case was transmitted to this Court.

4.The contention of the petitioner is that the petitioner and the respondent had business transaction and during the transaction the



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respondent for supply of goods, issued Cheque/Ex.P3, which got dishonoured. Thereafter following the procedure a case has been filed. The Trial Court had misconstrued the evidence and dismissed the complaint stating that though the respondent had admitted his liability in Ex.P11/reply notice and to settle the issue amicably, for reconciliation of the accounts, the account statement has been produced as Ex.P2. Hence, dismissing the complaint is against the evidence and admission of the respondent.

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

6.Issue notice to the respondents in Crl.A.No.1354 of 2023 returnable by 29.02.2024. Private notice is also permitted.

13.02.2024

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