



WEB COPY



Crl.O.P.No.3184 of 2024

Crl.O.P.No.3184 of 2024

in

Crl.A.SR.No.2798 of 2024

M.NIRMAL KUMAR, J.

This petition has been filed seeking to grant special leave to the petitioner to file an appeal.

2.The contention of the learned counsel for petitioner is that the petitioner and respondent are relatives. The petitioner had given a loan of Rs.5,00,000/- to the respondent for his grocery shop. In discharge of the same, the respondent issued a cheque, which got dishonoured, thereafter complaint filed.

3.The trial Court dismissed the complaint on the ground that there has been earlier transactions between the petitioner and the respondent, at that time a cheque was given, which was misused and present complaint filed.

4.The specific admission of the respondent is that neither he denied his signature nor issuance of the cheque. In such circumstances, Section 139



WEB COPY



Crl.O.P.No.3184 of 2024

M.NIRMAL KUMAR, J.

rsi

of Negotiable Instruments Act comes into play. It is for the respondent to probalilise his defence to show that money has been discharged but it is not been done so. Further the petitioner had also filed a case against One Lakshmanakumar, in which, this respondent was examined as DW2 and also spoken about transaction.

5.Finding reason and force in the submission of the learned counsel for petitioner, this Court is inclined to grant leave. Accordingly, leave is granted.

16.02.2024

rsi

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

Crl.O.P.No.3184 of 2024

in

Crl.A.SR.No.2798 of 2024