



WEB COPY



Crl.O.P.No.6172 of 2024
in Crl.A.SR.No.13537 of 2024

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M.NIRMAL KUMAR, J.

The petitioner as complainant had filed a private complaint against the respondent for offence under Section 138 of the Negotiable Instruments Act ('N.I. Act) in S.T.C.No.7525 of 2022. The trial Court, by judgment dated 07.02.2024, dismissed the complaint acquitting the respondent, against which, the present revision has been filed.

2.The learned counsel for petitioner submitted that the only ground on which, the complaint was dismissed is that the petitioner has got no financial capacity to given a loan of Rs.50,00,000/-. The contention of the petitioner is that the petitioner and the respondent are relatives, which is not in dispute. Further, the specific point of the respondent is that during the year 2017-2020, the respondent had taken a loan of Rs.45,00,000/- and this Rs.45,00,000/- returned by the respondent's daughter and son to the



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complainant's daughters. Once the trial Court came to a conclusion that in the year 2017-2020, the petitioner had the capability to give a loan of Rs.45,00,000/-, which has been repaid thereafter, for the subsequent period, i.e., in the year 2021, questioning the petitioner's financial capacity would not arise.

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

18.03.2024

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

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