



WEB COPY



CRL OP. 29536 of 2024
in Crl.A.Sr.No.39553 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-12-2024

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP. 29536 of 2024
in
Crl.A.Sr.No.39553 of 2024

S.AMUL
W/O.LATE J.SELVAM, NO.5/3, SUBBURAYAN STREET,
TRIPPLICANE, CHENNAI-600 005. J.SELVAM
(DECEASED),

APPELLANT(S)

Vs

MUKKAIAHA
S/O.AANDI KALAI, NO.159, SOUTH
KESAVAPERUMALPURAM, R.A.PURAM, CHENNAI.

RESPONDENT(S)

CRL A SR. 39553 of 2024

J.SELVAM (DECEASED), S.AMUL

PETITIONER(S)

Vs

MUKKAIAHA

APPELLANT(S)

CRL OP. 29536 of 2024

For Appellant(s):

M.MANIMARAN
K.VIJAYARAGAVAN

For Respondent(s):

ORDER

Aggrieved by the acquittal of the respondent for the offences punishable under Section 138 of Negotiable Instruments Act, the petitioner/complainant has filed the present petition seeking leave to file an appeal.



2. The learned counsel for the petitioner would submit that the trial Court had erroneously acquitted the respondent on the ground that the petitioner's husband (complainant) had not established his capacity to lend the cheque amount to the respondent; that the wife (petitioner herein) was examined on the side of the complainant as he died pending trial and was not aware of the transaction; and that there was a huge space between the contents and the signature in the promissory note suggesting that it could have been fabricated by the complainant.

3. The learned counsel for the petitioner would further submit that the wife of the original complainant had deposed about the source of income; that she had also stated that the accused brought the pronote; that these vital aspects have not been considered by the trial Court; and that therefore, the judgment of the trial Court is liable to be set aside.

4. The above points raised by the petitioner require consideration by this Court and hence, leave is granted to file an appeal.

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



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10.12.2024

SUNDER MOHAN, J.

ars

To
1. MUKKAIHAHA
S/O.AANDI KALAI, NO.159, SOUTH
KESAVAPERUMALPURAM, R.A.PURAM, CHENNAI.

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