



WEB COPY



Crl.O.P.No.20782 of 2024 in Crl.A.SR.No.39575 of 2024

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M.NIRMAL KUMAR, J.

The petitioner as complainant filed a private complaint against the respondent before the learned Special Metropolitan Magistrate, XII Court of Small Causes, Chennai which was taken on file as S.T.C.No.740 of 2021. The Trial Court by judgment dated 13.12.2023 dismissed the complaint and acquitted the respondent on the primary ground that the security cheque was received by the brother of the petitioner and for a chit in the name of D.Sunil and the cheque was not received by the petitioner.

2.The learned counsel for the petitioner submitted that the respondent examined himself as DW1 and during the cross examination, the respondent accepted that for the money received from the petitioner, he issued the cheque and the signature found in the cheque are that of DW1 is accepted. In such circumstances, the trial Court ought to have convicted the petitioner. On the other hand dismissed the complaint.



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

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

28.08.2024

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