



Crl.O.P.No.19573 of 2024 in
Crl.A.SR.No.39934 of 2024

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M.NIRMAL KUMAR, J.

The petitioner had given a complaint against the respondent under Section 138 of the Negotiable Instrument Act. The complaint was taken in STC.No.1393 of 2021 on the file of the XXVI Metropolitan Magistrate Court, Egmore, Chennai. The Trial Court by judgment dated 29.05.2024 dismissed the complaint and acquitted the respondent. Against which, the present criminal appeal and leave petition has been filed.

2. The petitioner / complainant had examined herself as P.W.1 and marked four documents Exs.P1 to P4. The respondent had examined herself as D.W.1 and marked two documents Exs.D1 & D2.

3. The contention of the petitioner is that the Trial Court, on a wrong appreciation of evidence, had given a finding that the petitioner and the respondent were known to each other from the year 2014. The petitioner had lodged a complaint with Chindadripet Police against the respondent and her husband for job racketing. The respondent had approached this Court and obtained Anticipatory Bail in Crl.O.P.No.33156 of 2014 on 29.01.2015. This order has been marked as Ex.D2. Further, the respondent marked Ex.D1 Bank Statement to show that after 2019 there had been no transaction and the account has been closed by the respondent. The Trial Court failed to consider that the petitioner had denied about the lodging of complaint against the respondent and her husband in the year 2014.



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4. The contention of the respondent that in the year 2014, she has got Rs.1,00,000/- for securing job for the petitioner and for return of the said amount, she issued a cheque for Rs.1,00,000/- which has been filled up for Rs.4,40,000/- by the petitioner and a case has been registered against her, cannot be countenanced in the absence of the respondent proving that Rs.1,00,000/- had been paid and the liability has been discharged.

5. The further case of the petitioner is that the petitioner regularly contacting the respondent asking for repayment of the loan amount and in the year 2021, the cheque has been issued. The respondent had not denied the signature in the cheque.

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

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

21.08.2024

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