



Crl.O.P.No.19462 of 2024 in
Crl.A.SR.No.30057 of 2024

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M.NIRMAL KUMAR, J.

This petition has been filed seeking to grant special leave to the petitioner to prefer the above criminal appeal.

2.The petitioner as complainant had filed a private complaint under Section 138 of the Negotiable Instruments Act against the respondent in C.C.No.423 of 2018. The Trial Court by judgment dated 15.04.2024 dismissed the complaint, acquitted the respondent, against which, the present leave petition has been filed.

3. The Trial Court has found that the complainant who is working in a financial institution for meagre income, will not be in a position to give loan of Rs.2,00,000/- to the respondent / accused. Further, the name of the



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beneficiary in the cheque was filled by the petitioner herself. Hence, the petitioner's case in both facts and law are not correct. It is not in dispute that the petitioner is earning around Rs.15,000/- per month and the respondent has not denied the signature found in the cheque given no reason how the cheque landed in the hands of the petitioner. Whether the respondent has liability to discharge the loan is to be decided in the Criminal appeal.

4. Considering the facts and circumstances of this case, this Court is inclined to grant leave. Accordingly, leave is granted.

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

13.08.2024

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