



CrI.O.P.No.27701 of 2024
in CrI.A.Sr.No.40486 of 2024

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SUNDER MOHAN, J.

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 respondent had admitted the signature in the cheque and also admitted that he had taken a loan of Rs.3 Lakhs from the petitioner and had disputed the petitioner's case that he had taken a loan of Rs.20 Lakhs; that the trial Court had erroneously observed that the petitioner had not established his source of income, though the petitioner in the statutory notice had clearly stated that he had lent money by borrowing from another person; and therefore, since the respondent had not rebutted the statutory presumption, the judgment of acquittal is liable to be set aside.

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

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



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