



Crl.O.P.No.19491 of 2024 in
Crl.A.SR.No.37133 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.66 of 2021. The Trial Court by judgment dated 05.06.2024 dismissed the complaint, acquitted the respondent, against which, the present leave petition has been filed.

3. The contention of the petitioner is that the petitioner had given a loan of Rs.4,00,000/- and Rs.1,00,000/- to the respondent on 27.03.2017 and 21.09.2017, respectively. In discharge of the said loan along with interest, the respondent had issued a cheque dated 17.09.2020 for a sum of Rs.6,00,000/-. When the same was presented, it was returned. Therefore,



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the complainant had issued statutory notice dated 30.11.2020, which was received by the respondent on 02.12.2020. The respondent has not denied the issuance of cheque by him and not refuted receipt of notice. The Trial Court had given a finding that the cheque issued by the respondent is for a time - barred debt and hence dismissed the complaint.

4. Finding reason and force in the petitioner's submission, 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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