



WEB COPY



Crl.O.P.No.28565 of 2024
in Crl.A.SR.No.40808 of 2024

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SUNDER MOHAN, J.

Aggrieved by the acquittal of the respondent for the offence punishable under Section 138 of Negotiable Instruments Act, 1881, 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 Appellate Court had set aside the well considered judgment of the Trial Court and acquitted the respondent on erroneous consideration. He would further submit that the petitioner had established that the respondent had issued the cheque; that the cheque was issued for legally enforceable debt; that the respondent had not rebutted the statutory presumption and the Appellate Court had disbelieved the version of the petitioner as regards the interest rate of 15% payable on the due amount. The learned counsel therefore submitted that the issue as to whether the cheque was issued for



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legally enforceable debt has to be considered in the above appeal.

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3. Notice was served on the respondent but none appeared on behalf of the respondent.

4. This Court finds force in the submission made by the learned counsel for the petitioner and since, the question as to whether the cheque was issued for legally enforceable debt requires consideration by this Court, leave is granted to file an appeal.

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

17.12.2024

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