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*Crl.O.P.Nos.20846, 20850 & 20851 of 2024
in Crl.A.SR.Nos.42402, 42404 & 42408 of 2024*

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M.NIRMAL KUMAR, J.

The petitioner as complainant filed private complaints against the respondent under Section 138 of Negotiable Instruments Act in C.C.Nos.5929, 5930 and 5931 of 2023 before the learned Metropolitan Magistrate, Fast Track Court No.II, Egmore at Allikulam, Chennai. The Trial Court by judgment dated 20.06.2024. dismissed the complaints and acquitted the respondents. Against which, the petitioner filed the present petitions seeking leave to file appeals.

2.The contention of the learned counsel for the petitioner is that the respondent projecting herself as wholesale supplier of articles to various supermarkets approached the petitioner for financial assistance and borrowed loan from the petitioner. In discharge of the liability, the respondent issued four cheques for Rs.2,00,000/- each, in total,



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Rs.8,00,000/-. The petitioner presented three cheques for encashment and it got dishonoured. Thereafter, the petitioner sent statutory notice to the respondent, who received the same and sent a reply with false allegations which refuted and a rejoinder was sent, thereafter complaint filed. In the Trial Court, the respondent examined herself as D.W.1 and took a defence as though 18 cheques were taken by one Shanawas which had come to the possession of the petitioner and he filed a false case without liability. The respondent/D.W.1 marked Ex.D1/complaint and C.S.R.No.1206 of 2017, to probabalize her defence. The petitioner after judgment by the Trial Court came to know of the fraud played by the respondent and sent an application under Right to Information Act to the Deputy Commissioner of Police, Triplicane Range seeking status of C.S.R.No.1206 of 2017 with a copy of the complaint, received a reply that the respondent lodged a complaint on 20.11.2017 for causing threat by one Shanawas of Choolaimedu. The reply along with the copy of the complaint was received by the petitioner and to her shock and surprise, it revealed that the complaint received through RTI is in total variance to the complaint produced as Ex.D1. Hence by using



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false and fabricated complaint, the respondent deceived the Trial Court and obtained judgment of acquittal by fraud. He further submitted that the petitioner had played similar fraud against one Chinnaraj and the said Chinnaraj filed appeal against the respondent before this Court which is pending in Crl.A.Nos.412 to 414 of 2022.

3.Finding reason in the submission of the learned counsel for the petitioner, this Court is inclined to grant leave. Accordingly, leave granted.

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

29.08.2024

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