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CrI.O.P.No.20585 of 2024
in CrI.A.SR.No.42462 of 2024

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M.NIRMAL KUMAR, J.

The petitioner as complainant filed a private complaint against the respondent under Section 138 of Negotiable Instruments Act in S.T.C.No.21 of 2013 before the learned Judicial Magistrate (FTC), Hosur. The Trial Court by judgment dated 15.06.2024 dismissed the complaint and acquitted the respondent. Against which, the petitioner filed the present petition seeking leave to file an appeal.

2.The contention of the learned counsel for the petitioner is that the petitioner is a Chit Company and the respondent joined Rs.25,00,000/- chit in the petitioner Company. The date of commencement of chit is 23.03.2009, the date of termination is 23.10.2010 and the monthly subscription for the chit is Rs.1,25,000/-. The respondent was the priced chit subscriber on 23.07.2009 after four months of commencement of the



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chit and received Rs.18,65,730/-. Later, the respondent failed to pay the chit amount and was due to the tune of Rs.28,93,174/-. When the cheque was presented for encashment, it got dishonoured and thereafter following the statutory provisions, complaint filed. P.W.1/Authorized representative of the complainant was examined and through him, Ex.P1 to Ex.P10 marked. P.W.2 and P.W.3 are the Managers of the petitioner and the respondent. On the side of the respondent Banks, the respondent examined himself as D.W.1 and marked Ex.D1 to Ex.D15. The primary ground in dismissing the complaint is that Ex.D1, Ex.D3 to Ex.D14 was accepted to be the chit receipt issued for receipt of subscription amount and hence, the respondent paid the substantial amount towards priced chit and dismissing the complaint is not proper. When P.W.1 was confronted with Ex.D1, Ex.D3 to Ex.D14, he had denied and classified the ticket number found in the receipts are different, not connected with the chit group of the respondent. But the Trial Court glossed over the same and dismissed the complaint.

3.Finding reason in the submission of the learned counsel for the



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petitioner, this Court is inclined to grant leave. Accordingly, leave granted.

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

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