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Crl.O.P.No.21434 of 2024
in Crl.A.Sr.No.27594 of 2024



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SUNDER MOHAN, J.

Aggrieved by the acquittal of the respondent for the offence punishable under Section 138 of the Negotiable Instruments Act, the petitioner has filed the present petition seeking leave to file an appeal.

2. Mr.N.Manoharan, the learned counsel for the petitioner/appellant, would submit that the respondent had admitted the issuance of the cheque in his reply notice and also in the suggestion made in the cross-examination of the petitioner; that the trial Court, on an erroneous appreciation of the facts, acquitted the respondent by holding that the cheque was issued for a time-barred debt; and that the evidence on record would show that the cheque issued by the respondent was for a legally enforceable debt and prayed for setting aside the Judgment of acquittal.

3. Mr.Arif Nawaz, the learned counsel for the respondent, *per contra*, would submit that the evidence in the case disclosed that the cheques were issued only on the petitioner agreeing that it would satisfy all his claims and on his promising to withdraw other criminal cases filed



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against the respondent; and that since the petitioner did not keep up his promise, the respondent was not liable to pay the cheque amount and therefore, the trial Court rightly acquitted the respondent.

4. From the submissions made by the learned counsel on either side, this Court is of the view that the issues raised in the above petition/appeal require consideration. Therefore, this Court is inclined to grant leave without prejudice to the right of the respondent to make all his submissions in the appeal. Accordingly, 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.

15.11.2024

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