



Crl.O.P.No.21734 of 2024 in Crl.A.SR.No.44384 of 2024

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M.NIRMAL KUMAR, J.

The petitioner as a complainant filed a private complaint against the respondent/accused for offence under Section 138 of the Negotiable Instruments Act, 1881 in S.T.C.No.2447 of 2017 before the learned Judicial Magistrate, Sriperumbudur (Trial Court). The Trial Court *vide* judgment, dated 31.07.2024 dismissed the same acquitting the respondent. Challenging the same, the present criminal revision case and the leave grant petition.

2.The learned counsel for the petitioner submitted that the petitioner examined himself as PW1 and marked four documents Exs.P1 to P4. The respondent is known to the petitioner and for urgent need, the respondent borrowed loan of Rs.1,50,000/- from the petitioner. In discharge of the liability, the cheque (Ex.P1), dated 19.08.2017 issued. The respondent not denied the issuance of cheque and its signature. The defence taken is that the respondent gave three cheques for housing loan scheme and one of the cheque misused and filled up by the petitioner. The petitioner has got objection for the cheque to be sent for forensic examination, but the respondent thereafter not pursued. The Trial Court on the ground of the



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petitioner not producing any supporting documents to show the source for giving the amount of Rs.1,50,000/- to the respondent, dismissed the complaint acquitting the respondent which is not proper.

3.Finding reason and force in the submissions made by the learned counsel for the petitioner, this Court is inclined to grant leave. Accordingly, leave is granted.

24.09.2024

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Note: Registry is directed to number the Criminal Appeal, if it is otherwise in order and the post the same for Admission.



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