



WEB COPY

CRL OP. 22088 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-12-2024

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP. 22088 of 2024

AND

CRL A SR. 45164 OF 2024

ADAIKALAM

S/O. MUTHU, NO. MIG 568 NEW TEMPLE LAND AND CO,
HOSUR, KRISHNAGIRI DISTRICT 635 109

PETITIONER(S)

Vs

ANNAMALAI

S/O. LAKSHMANAREDDIYAR, NO. 63, B2 BALAJI APARTMENT,
PRITHIVAKKAM (NEAR LIC ZONAL OFFICE) AMBATTUR
CHENNAI

RESPONDENT(S)

CRL A SR. 45164 of 2024

ADAIKALAM

APPELLANT(S)

Vs

ANNAMALAI

RESPONDENT(S)

CRL OP. 22088 of 2024

For Petitioner(s):

M.P.SARAVANAN
S. SURESH
P. VEERA NARAYANAN

For Respondent(s):

CRL A SR. 45164 of 2024

For Appellant(s):

For Respondent(s):



ORDER



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 respondent had admitted the signature in the cheque; that the petitioner had proved that the cheque was issued for a legally enforceable debt; that however, the learned Magistrate on the basis of certain admissions and the evidence of D.W.1 held that the respondent had rebutted the statutory presumption and that the question as to whether the respondent had rebutted the statutory presumption has to be adjudicated by this Court.

3.This Court finds force in the submission made by the learned counsel for the petitioner and since, the same requires consideration by this Court, leave is granted to file an appeal.

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

12-12-2024

cse

CRL OP. 22088 of 2024

To

1. ANNAMALAI

S/O. LAKSHMANAREDDIYAR, NO. 63, B2 BALAJI APARTMENT,
PRITHIVAKKAM (NEAR LIC ZONAL OFFICE) AMBATTUR
CHENNAI

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1. ANNAMALAI