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CRL OP. 22914 of 2024
in Crl.A.Sr.No.46095 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **10-12-2024**

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP. 22914 of 2024

in Crl.A.Sr.No.46095 of 2024

PON RAMESH
S/O.PONNUSAMY, NO.4/135, NADUTHERU STREET,
PALAPATTI POST, MOHANUR TALUK, NAMAKKAL
DISTRICT.

APPELLANT(S)

Vs

K.T.KISHORE KUMAR
S/O.THULASIRAM, NO.49, FISHER STREER,
KAMARAJAR SALAI, MUNICH SALAI ROAD,
MADURAI-9.

RESPONDENT(S)

CRL A SR. 46095 of 2024

PON RAMESH

PETITIONER(S)

Vs

K.T.KISHORE KUMAR

APPELLANT(S)

CRL OP. 22914 of 2024

For Appellant(s):

M.R. JOTHIMANIAN
C.KAVINKUMAR
AFFIDAVIT OF SERVICE FILED

For Respondent(s):

P.S.NAGARAJAN
R.RADHA PANDIAN
M.KAVIRAJ
K.MADHU MITHA
S.SUBBU LAKSHMI
K.RHISHI THIRUVENGADAM COUNSEL FOR



RESPONDENT

ORDER

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Aggrieved by the acquittal of the respondent for the offences punishable under Section 138 of Negotiable Instruments Act, 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 signature in the cheque was admitted by the respondent; that though the respondent had not rebutted the statutory presumption, the learned Magistrate, had erroneously acquitted the respondent on the ground that the petitioner had not established his capacity to lend the cheque amount to the respondent; that there is evidence to show that the appellant had established that the cheque was issued for a legally enforceable debt; and that therefore, the judgment of the trial Court is liable to be set aside.

3. The learned counsel for the respondent submitted that the judgment is in accordance with law and therefore, no interference is called for.

4. Considering the submissions on either side, this Court is of the



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view that the issues involved requires consideration by this Court and hence, 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.

10.12.2024

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SUNDER MOHAN, J.

ars

To
1. K.T.KISHORE KUMAR
S/O.THULASIRAM, NO.49, FISHER STREER,
KAMARAJAR SALAI, MUNICH SALAI ROAD,
MADURAI-9.

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