



Crl.O.P.No.22819 of 2024

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in
Crl.A.SR.No.46375 of 2024

SUNDER MOHAN, J.

This petition has been filed seeking to grant special leave to the petitioner to prefer the above criminal appeal.

2.The petitioner as complainant had filed a private complaint under Section 138 of the Negotiable Instruments Act against the respondent in C.C.No.123 of 2023. The Trial Court by judgment dated 24.07.2024 dismissed the complaint, acquitted the respondent, against which, the present leave petition has been filed.

3. It is the case of the petitioner that the respondent had issued two cheques for Rs.5,00,000/- each towards discharge of her liability and when the cheque was presented for encashment, the same were returned with an endorsement " Funds Insufficient", and inspect of statutory legal notice, the respondent had not made any payment.



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4. The learned counsel for the petitioner submitted that the signature in the cheques has been admitted by the respondent and that the respondent had not repaid. However, the learned Magistrate erroneously held that one of the cheques was not issued for the legally enforceable debt and that the petitioner had not proved the source of income for making payment of the Rs.5,00,000/- to the respondent.

5. The learned counsel appearing for the respondent submitted that the learned Magistrate has rightly acquitted the respondent and the cheque was not issued for the legally enforceable debt and the petitioner had not proved the source of income.

6. This Court finds on the submissions made by the learned counsel on either side that the issues raised requires consideration by this Court. Hence leave is granted to file an appeal.

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

16.12.2024

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