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Crl.O.P.No.22922 of 2024
in Crl.A.Sr.No.47097 of 2024



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SUNDER MOHAN, J.

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

2(a) The learned counsel for the petitioner would submit that the grounds on which the acquittal has been recorded are not based on the evidence on record; and that the trial court had erroneously held that the complaint is premature by reckoning the date of return of the cover for the purpose of calculating fifteen days time for payment of the cheque amount.

(b) The learned counsel for the petitioner would further submit that the accused admittedly had signed the cheque and therefore, the finding of the trial Court that the petitioner had not established that he was proprietor of the accused concern cannot be sustained; and that the trial court had erroneously acquitted the respondent.



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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.

07.11.2024

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