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Crl.O.P.No.24403 of 2024
in Crl.A.Sr.No.49667 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-12-2024

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP. 24403 of 2024
AND CRL A SR. 49667 OF 2024

T.Gnanasekar
T.Gnanasekar, S/o.Thangamani, Bajanai Kovil
Street, Uma Mageshwari Illam,
Keezhpermanallur, Periyannatham,
Kanchipuram - 631 502.

Petitioner(s)

Vs

M.Dhanasekaran
S/o.T.Madanagopal, No.38/40, Dhamalwar
Street, Kanchipuram.

Respondent(s)

Prayer: Criminal Original Petition filed under Criminal Appellate Jurisdiction, to grant leave to prefer appeal against the order of acquittal dated 01.08.2024 passed by the learned Judicial Magistrate No.II, Kanchipuram acquitting order in C.C.No.152 of 2023, permit the petitioner to prosecute the Criminal Appeal.

For Petitioner(s): Mr.N.V.N.Margandeyan

For Respondent(s): Ms.Alamelu Mangai

ORDER

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.

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2. The learned counsel for the petitioner would submit that the respondent had not denied the signature in the cheque; that the respondent had not rebutted the statutory presumption; that the trial Court had acquitted the respondent on the sole ground that the petitioner had not established his source of income for lending a sum of Rs.20 Lakhs; that the petitioner had established that the cheque was issued for a legally enforceable debt and therefore, the question as to whether the cheque was issued for legally enforceable debt, has to be adjudicated in the above appeal; and hence, prayed for grant of leave.

3. Heard the learned counsel for the respondent.

4. The points raised by the petitioner require 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.

18.12.2024



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To

1. M.Dhanasekaran

S/o.T.Madanagopal, No.38/40, Dhamalwar Street, Kanchipuram.

SUNDER MOHAN, J.

ars

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