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CrI.O.P.No.24408 of 2024
in CrI.A.Sr.No.49896 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **09-12-2024**

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP. 24408 of 2024

AND CRL A SR. 49896 OF 2024

K.ASHOK KUMAR
S/O. R. KUNJANDI, D.NO. 1/624B, SRI RAGAVENDRA
VIHAR, CHINNA BIKATTY, ARUVANKADU POST, THE
NILGIRIS.

APPELLANT(S)

Vs

ANITHA
W/O. P. RAGHU, NO. 9/B, 14/91, OLD ARUVANKADU
KETTI THE NILGIRIS.

RESPONDENT(S)

For Appellant(s):

J.FRANKLIN
S. VALARMATHI
SANJAY DAVIDSON
AFFIDAVIT OF SERVICE FILED

For Respondent(s):

PVT.NOTICE - SERVED
ANITHA W/O. P. RAGHU, NO. 9/B, 14/91, OLD
ARUVANKADU KETTI THE NILGIRIS.

K.V.SRIDHARAN
R.JAYASRI-MS/658/1989 COUNSEL FOR RESPONDENT

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

<https://www.mhc.tn.gov.in/> an appeal.



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2. The learned counsel for the petitioner would submit that the only ground on which the trial Court had acquitted the respondent is that the petitioner had not proved his capacity to lend a sum of Rs.20 Lakhs; that the respondent had not rebutted the statutory presumption; that the cheque is supported by consideration and the respondent had also executed Ex.P9-Promissory Note in support of the same; and that therefore, the judgment of the trial Court is liable to be set aside.

3. The points raised by the petitioner require consideration by this Court and hence, 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.

09.12.2024

ars

To

1. ANITHA
W/O. P. RAGHU, NO. 9/B, 14/91, OLD ARUVANKADU KETTI THE
NILGIRIS.



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SUNDER MOHAN, J.

ars

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