



Crl.O.P.No.25269 of 2024
in Crl.A.Sr.No.50728 of 2024

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SUNDER MOHAN, J.

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/complainant would submit that the respondent had admitted the issuance of cheque and the signature in the cheque; that the respondent's case is that he had not borrowed the amount of Rs.10 Lakhs as stated by the complainant and that he had borrowed only Rs.5 Lakhs, for which there is no acceptable evidence; and that since, the respondent had not rebutted the statutory presumption, the trial Court out not to have acquitted the respondent.

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.



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