



CrI.O.P.No.27539 of 2024
in CrI.A.Sr.No.49351 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 would submit that the only ground for acquittal is that the petitioner was unable to tell the exact age of the accused and therefore, the petitioner's case that the accused was his friend was disbelieved; that a chit fund card, which had nothing to do with the petitioner, which suggests the accused had a monetary transaction with the petitioner's brother, was relied upon for the purpose of holding that the complaint is false. The learned counsel would further submit that having admitted the issuance of cheque and the signature, the statutory presumption has not been rebutted by the respondent and hence, the judgement of acquittal is erroneous.

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.



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

14.11.2024

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