



Crl.O.P.No.26183 of 2024
in Crl.A.Sr.No.53064 of 2022

SUNDER MOHAN, J.

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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 examined himself as DW3 and had admitted the signature in the cheque and also the fact that he had filled the cheque with his own handwriting; and that the respondent had not rebutted the statutory presumption and had merely stated that the cheque was issued for security purposes for another loan, which was taken earlier. The learned counsel would further submit that the respondent had not taken any steps for seeking return of cheques and that the defence is an afterthought; and that the trial Court had erroneously acquitted the accused.

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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12.11.2024

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