



Crl.O.P.No.27844 of 2024
in Crl.A.Sr.No.53065 of 2024

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SUNDER MOHAN, J.

Aggrieved by the acquittal of the respondent for the offences punishable under Section 138 of the Negotiable Instruments Act, the petitioner/complainant has filed the present petition seeking leave to file an appeal.

2.(a) The learned counsel for the petitioner/complainant submitted that though the trial Court had rejected the respondent's defence that the cheque was taken from the respondent without his knowledge and it was not issued for the legally enforceable debt, had however, erroneously believed the case of the respondent that the cheque was drawn from an account maintained by his wife and therefore, he would not be liable for 138 of the Negotiable Instruments Act.

(b) The learned counsel for the petitioner pointed out the evidence of the Bank Manager which is to the effect that the cheque was drawn from an account that was jointly maintained by the respondent and his wife and submitted that the finding of the trial Court is perverse.



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3. The point raised by the learned counsel for the petitioner requires consideration. 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.

15.11.2024

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