



WEB COPY



Crl.O.P.No.27920 of 2024
in Crl.A.SR.No.56262 of 2024

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SUNDER MOHAN, J.

Aggrieved by the acquittal of the respondent for the offence punishable under Section 138 of Negotiable Instruments Act, 1881, the petitioner/complainant has filed the present petition seeking leave to file an appeal.

2.The learned counsel for the petitioner would submit that though the respondent had initially disputed the signature had subsequently during the course of trial had admitted the signature in the cheque; that the respondent had not rebutted the statutory presumption; that the petitioner had established his source of income; that the cheque was issued for a legally enforceable debt; that the only ground of acquittal is that the petitioner could not have lent the cheque amount when there was already another loan pending and that the said ground is erroneous since the petitioner has established that the petitioner and the respondent were in a good relationship



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and had continuous business transaction.

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3.Heard the learned counsel appearing on behalf of the respondent.

4.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.

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

12.12.2024

cse

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