



CrI.O.P.No.27696 of 2024
in CrI.A.Sr.No.51636 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 husband of the respondent had obtained loan for his daughter's marriage expenses and had executed a pro note at the time of obtaining the loan; that the respondent towards discharge of the liability had issued a cheque for Rs.23,40,000/-; that the trial Court had erroneously held that for the loan taken by the husband of the respondent, there was no necessity for the respondent to issue a cheque and that the Trial Court had also believed the version of the defence that the cheque was given to a third party for purchasing household articles, which is contrary to the admission of D.W.1 in the cross examination and that therefore, the judgement of acquittal is erroneous and it is liable to be set aside.

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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