



Crl.O.P.No.28164 of 2024
in Crl.A.Sr.No.31372of 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 respondent had issued the subject two cheques totalling Rs.16 lakhs; that the respondent had admitted the issuance of the cheques for the loan said to have been taken by his wife in his cross examination; that the respondent had not sent any reply to the statutory notice and had also not rebutted the statutory presumption; that however, the trial Court had erroneously held that the petitioner had not established his capacity to lend such a huge sum; and that therefore, the judgment of the trial Court is liable to set aside.

3. The points raised by the petitioner require consideration by this Court and 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.



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