



Crl.O.P.Nos.28855, 28940 and 28941 of 2024
in Crl.A.Sr.Nos.43947, 43949 and 43950 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, 1881, the petitioner has filed the present petitions seeking leave to file the appeals.

2. It is the case of the petitioner that towards discharge of his liability, the respondent had issued three cheques for Rs.20,00,000/- (Rupees Twenty Lakhs only) each and when the said cheques were presented for collection, they were returned as "Account Closed"; that in spite of the statutory notices being sent, the respondent did not make any payment; and that the petitioner had filed three complaints.

3. The learned counsel for the petitioner/appellant would submit that the Lower Appellate Court had reversed the well-considered Judgment of the Trial Court that had convicted the respondent for the offence under Section 138 of the Negotiable Instruments Act, 1881, holding that the respondent had not rebutted the statutory presumption;



and that the Lower Appellate Court had erroneously held that the petitioner had not established his capacity to lend a sum of Rs. 60,00,000/- (Rupees Sixty Lakhs only) to the respondent.

4. The points raised by the learned counsel for the petitioner require consideration. Hence, leave is granted to file the appeals.

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

27.11.2024

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