



**Crl.O.P.No.29823 of 2024**  
**in Crl.A.Sr.No.59253 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 only ground on which the trial Court acquitted the respondent is that, on the date of the alleged lending of the loan of Rs.6 Lakhs i.e., on 03.03.2021, the respondent was taking treatment in Andhra Pradesh; that the said finding is contrary to the evidence on record as Ex.D1 marked on the side of the respondent shows that the respondent was at Andhra Pradesh only on 27.02.2021; that the respondent had not denied the signature in the cheque and therefore had not rebutted the statutory presumption.

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.

**28.11.2024**



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