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Crl.O.P.No.31554 of 2024
in Crl.A.Sr.No.60147 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-12-2024

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP. 31554 of 2024
AND CRL A SR. 60147 OF 2024

A.Govindaraj
S/o.A.Algarswamy, No.3/1054, Vivekananda
Street, Thirunidravu - 602, Thiruvallur
District.

Petitioner(s)

Vs

M.Lavakumar
S/o.Not Known, No.916, Arunthathipuram,
Gangaipuram Koil Street, Nadukuthagai,
Thirunindravur - 602 024, Thiruvallur District.

Respondent(s)

Prayer: Criminal Original Petition filed under Criminal Appellate Jurisdiction, to grant special leave to prefer appeal before this Court against the judgment passed in STC No.602 of 2019 on the file of the learned Judicial Magistrate, Fast Track Court, Poonamallee, dated 23.09.2024.

For Petitioner(s):

A.Kumanaraja
A.Sigamani
T.Vivek Babu
D.Prem Kumar

ORDER

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 not denied the issuance of cheque; that the respondent had not rebutted the statutory presumption; that the trial Court had erroneously considered the evidence of the respondent who was examined as DW1 to conclude that the respondent had rebutted the statutory presumption, in the absence of any evidence to support the plea of the respondent; that the petitioner has established that the cheque was issued for discharge of legally enforceable debt; 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.

18.12.2024

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To

1. M.Lavakumar

S/o Not Known,

<https://www.mhc.tn.gov.in/judis>



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No.916, Arunthathipuram,
Gangaipuram Koil Street,
Nadukuthagai, Thirunindravur - 602 024,
Thiruvallur District.

SUNDER MOHAN, J.

ars

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