



CrI.O.P.No.29995 of 2024
in CrI.A.Sr.No.60478 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 towards the discharge of liability, the respondent had issued a cheque for Rs.15 lakhs; that his only defence was that he had borrowed a sum of Rs.5 lakhs and he had given a blank signed cheque along with the blank signed promissory note and that the respondent was not due to pay the cheque amount; that the learned Magistrate had ignored the contradictory statements made by the respondent in his reply notice and in his cross-examination and also the fact that the respondent had admitted the issuance of cheque in the cross examination; that the trial Court had erroneously held that the petitioner had not established his source for lending a huge sum of Rs.15 lakhs, ignoring the fact that the respondent had not rebutted the statutory presumption; and that therefore, the order of the trial Court is liable to be 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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