



WEB COPY



Crl.O.P.No.28455 of 2023
in Crl.A.SR.No.62346 of 2023

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M.NIRMAL KUMAR, J.

The petitioner as complainant filed a private complaint against the respondent for the offence under Section 138 of Negotiable Instruments Act in C.C.No.198 of 2019. The Trial Court by judgment dated 29.11.2023 dismissed the complaint and acquitted the respondent. Against which, the petitioner filed the present petition seeking leave to file an appeal.

2.The contention of the learned counsel for the petitioner is that the petitioner examined himself as P.W.1 and marked five documents. The specific case of the petitioner is that the respondent was running an unregistered chit. The petitioner and the respondent were known to each other since both of them were working in Transport Corporation as Conductors but in different depot. The petitioner entered into chit with the respondent for Rs.3,00,000/- and he paid the monthly subscription regularly. In proof of the same, the petitioner also marked Ex.P1/Chit Passbook in



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which monthly receipt of money had been recorded. He would submit that in discharge of chit liability, the respondent issued a cheque for Rs.2,20,000/- which is marked as Ex.P2. He would further submit that the petitioner following the statutory provisions filed a complaint, issued statutory notice but despite receipt of notice, no reply was sent by the respondent. He further submitted that in the Trial Court order it is held that since the petitioner joined the chit which is not registered under the Chit Funds Act, it is a shady transaction and hence, Ex.P1 cannot be considered and Ex.P2/Cheque was given as security which was misused by the petitioner. He would submit that indigenous chits are very much prevalent in all places and the respondent himself not denied the chit transaction, in such circumstances the Trial Court dismissing the complaint filed by the petitioner is not proper.

3.Finding reason in the submission of the learned counsel for the petitioner, this Court is inclined to grant leave. Accordingly, leave granted.



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4.The Registry is directed to number the appeal and post for admission, if it is otherwise in order.

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