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CRL OP. 30848 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-12-2024

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

Crl.O.P. 30848 of 2024

in

Crl.A.Sr.No. 63869 of 2024

P.VELUSAMY

S/O.PALANISAMY, NO.2/40, 10TH STREET, J.D.DURAIRAJ
NAGAR, AMINJIKARAI, CHENNAI-600 029.

PETITIONER(S)

Vs

P.KARTHIK

S/O.A.V.PALANI, NO.G-2, MOUNTAIN VIEW VISTAS-II,
PLOT NO.7, ROJA STREET, KATTABOMMAN NAGAR,
ZAMIN PALLAVARAM, CHENNAI-600 117.

RESPONDENT(S)

For Petitioner(s):

T.SHANMUGABOOPATHI

For Respondent(s):



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Prayer : Criminal Original Petition filed under Section 419 (5) r/w 528 of B.N.S.S. Act 2023 to grant Special Leave to file Appeal against the Judgement of Acquittal passed in S.T.C.No.9834/2022, dated 09.10.2024, by the learned XXVI Metropolitan Magistrate at Egmore, Chennai.

ORDER

Aggrieved by the acquittal of the respondent for the offence punishable under Section 138 of the Negotiable Instruments Act, the petitioner has filed the present petition seeking leave to file an appeal.

2. (a) Mr.T.Shanmugaboopathi, the learned counsel for the petitioner, would submit that the impugned Judgment of acquittal is liable to be set aside; that the respondent had admitted his signature in the cheque; that the respondent has not rebutted the statutory presumption; that the only ground for acquittal is that the petitioner had admitted that the respondent had paid the monthly interest for some months and there was interest due for six months; and that since the petitioner had not produced the accounts, the petitioner had not established the case.



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(b). The learned counsel also submitted that the principal amount is due and there is nothing on record to show that the principal amount was repaid.

3. The above submission of the learned counsel for the petitioner requires consideration by this Court. 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.

11-12-2024

dk

To
1. P.KARTHIK
S/O.A.V.PALANI, NO.G-2, MOUNTAIN VIEW
VISTAS-II, PLOT NO.7, ROJA STREET,



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KATTABOMMAN NAGAR, ZAMIN PALLAVARAM,
CHENNAI-600 117.

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SUNDER MOHAN., J.

dk

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