



Crl.O.P.No.30986 of 2024
in Crl.A.SR.No.63880 of 2024

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SUNDER MOHAN, J.

Aggrieved by the acquittal of the respondent for the offence punishable under Section 138 of Negotiable Instruments Act, 1881, 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 admitted the issuance of cheque and also receipt of a sum of Rs.4,00,000/- as loan and that the only ground for acquittal is that the petitioner had not established as to the amount of interest paid by the respondent and hence, the petitioner has not established that the cheque was issued for legally enforceable debt. The learned counsel therefore submitted that impugned judgment is erroneous and liable to be set aside.



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3.This Court finds force in the submission made by the learned counsel for the petitioner and since, the question as to whether the cheque was issued for legally enforceable debt requires consideration by this Court, 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.

12.12.2024

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