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Crl.O.P.No.32137 of 2024
in
Crl.A.Sr.No.61870 of 2024

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Sunder Mohan, J.,

The petitioner is the complainant in S.T.C.No.66 of 2021, on the file of Judicial Magistrate, Fast Track Court (ML) (FAC) Dharmapuri. The petitioner/complainant filed the said complaint under Section 138 of Negotiable Instruments Act, 1881 (N.I.Act) against the respondent herein. The Trial Court acquitted the respondent. Aggrieved by the same, this Petition is filed, seeking leave of this Court to file Appeal.

2. It is the case of the petitioner that the respondent has entered into a contract with the petitioner agreeing to pay a sum of Rs.50,00,000/- to the petitioner/complainant towards security deposit and issued the subject cheque for a value of Rs.15,00,000/-; that when the same was presented for encashment, it was returned with an endorsement "Funds Insufficient"; that the petitioner sent a legal notice dated 13.07.2020 calling upon the respondent to pay the cheque amount; and that the respondent did not make any payment inspite of statutory notice.



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3. The learned counsel for the petitioner would submit that the trial Court had erroneously believed the evidence of DW1 to hold that the cheque was issued for a legally enforceable debt; that the respondent had not denied the signature in the cheque; and that the petitioner had established through cogent evidence that the cheque was issued for a legally enforceable debt.

4. The question as to whether the cheque was issued for a legally enforceable debt, has to be considered in the appeal and hence, leave is granted.

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

sd/ars

21.12.2024



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Sunder Mohan, J.,
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Crl.O.P.No.32020 of 2024
in
Crl.A.Sr.No.65307 of 2024

21.12.2024