



Cr1.OP(MD)No.9315 of 2024 in Cr1.A(MD)SR No.19044 of 2024

G.ILANGOVAN, J

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STC 182 of 2023 has been filed by the appellant herein against the respondent to punish him for having committed the offence under section 138 of the Negotiable Instruments Act. It came to be dismissed by the trial court, by judgment, dated 27/05/2024.

2.Against which, this grant leave petition is filed.

3.Heard both sides.

4.The learned counsel appearing for the petitioner would submit that the finding of fact recorded by the trial court is not supported by any evidence; When admittedly the signature of the respondent is not disputed and denied, section 139 of the Negotiable Instruments Act will come into operation. But the trial court has not considered the same.

5.Reading of the judgment of the trial court shows that it has gone into the question of legally enforceable liability. Whether the above said finding of the trial court in the circumstances of the case called in question now is a matter for consideration in the appeal.



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6.In view of the above said, this petition is **allowed** and leave is granted to the petitioner herein, even though objection was made by the respondent that no leave will lie in the facts and circumstances of the case.

13/08/2024

Index : Yes/No
Internet: Yes/No

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