



CRL OP(MD) No.16834 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Monday, the Twenty Eighth day of October Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL.O.P.(MD)No.16834 of 2024

in

CRL.A.(MD)No.SR.32345 of 2024

C.P.SATHISH

... PETITIONER / APPELLANT/
DEFACTO COMPLAINANT

Vs

S.BALASUBRAMANIAN @ NELLAI BALU, ... RESPONDENT / RESPONDENT/
ACCUSED

Criminal Miscellaneous Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to allow special leave petition to file appeal in STC.No.651 of 2017 on the file of the Judicial Magistrate Fast Track Court No.1, Madurai dated 19.08.202 till the disposal of the above Criminal Appeal and thus render justice.

Prayer in CRL.A.(MD)No.SR.32345 of 2024:

Pleased to set aside the Judgment and Acquittal Order passed by the learned Judicial Magistrate Fast Track Court No.1, Madurai in STC.No.651 of 2017 dated 19.08.2024 and convict the accused for the offence under section 138 of Negotiable Instruments Act.

ORDER : This Criminal Miscellaneous Petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon

<https://www.jmhc.tn.gov.in/judis>



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hearing the arguments of Mr.R.SENTHIL KUMAR, Advocate for the petitioner and of Mr.V.RAMAKRISHNAN, Advocate on behalf of the Respondent, the court made the following order:-

This petition has been filed to grant leave to file appeal against the judgment of acquittal.

2.The facts in brief:

The accused borrowed a sum of Rs.3,00,000/- on 25.09.2016 for developing his business. He promised to return the same on or before 19.01.2017. On that date, he issued a cheque dated 19.01.2017. It was presented for payment on 20.01.2017. It was returned due to insufficient fund. After completing the statutory formalities, this appellant has filed the private complaint.

3.The trial Court acquitted the respondent herein stating that the transaction itself is doubtful and apart from other inconsistencies. Challenging the same appeal has been preferred along with this petition seeking leave to file the above said appeal.

4.The learned counsel for the respondent would point out that nothing has been stated in the affidavit to grant the permission. It has been simply stated that they want to file appeal. So this petition is to be allowed. So this is not requirement of law to grant leave. The petitioner must set out the proper facts and grounds on which leave must be granted. Due to the absence of the above said material particulars, this petition itself is not maintainable. Even though the learned counsel for the petitioner



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would submit that he wants to file additional affidavit, such kind of practice is not enternaibale. The petitioner has to file fresh application only.

5.With the above said liberty, this petition stands dismissed.

sd/-
28/10/2024

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/11/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO
1 THE JUDICIAL MAGISTRATE
FAST TRACK COURT NO.1, MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, MADURAI.

ORDER
IN
CRL.O.P.(MD)No.16834 of 2024
in
CRL.A.(MD)No.SR.32345 of 2024
Date :28/10/2024

SA/SVR/SAR. /04.11.2024/3P/3C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.