



WEB COPY



Crl.O.P.No.537 of 2025
in Crl.A.Sr.No.826 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **09-01-2025**

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO.537 of 2025

in

Crl.A.Sr.No.826 of 2025

S.Pannerselvam
S/o. S. Subramanian,
No.2/204,
Diversion Road Street,
Polur Town and Taluk,
Tiruvannamalai District.

...Petitioner/Appellant/Complainant

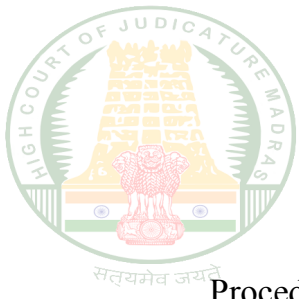
Vs

G.Palani
S/o.Govindasamy,
Vasantham Nagar,
Vallalar Street,
Polur Town And Taluk,
Tiruvannamalai Distirct.

...Respondent/Respondent/Accused

Prayer : Criminal Original Petition filed under Section 378 of the Criminal

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Procedure Code/Section 419(4) of the BNSS, 2023 to grant special leave to prefer the above Criminal Appeal against order of acquittal dated 22.11.2024 passed in STC No.204 of 2021, by Judicial Magistrate Court, Polur, Tiruvannamalai District.

For Petitioner(s):

Mr.S.Gunaseelan

For Respondent(s):

ORDER

Aggrieved by the acquittal of the respondent for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881, the petitioner/appellant has filed the present petition seeking leave to file an appeal.

2. Mr.S.Gunaseelan, the learned counsel for the petitioner/appellant, would submit that the respondent/accused, though he had denied the issuance of the cheque, was unable to probabalize the same and therefore, the petitioner had established the fact that the cheque was issued by the



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respondent for a legally enforceable debt and hence, the learned Magistrate ought to have drawn a statutory presumption; and that the learned Magistrate, however, erroneously held that the petitioner had not established the fact that a sum of Rs.25,00,000/- (Rupees Twenty Five Lakhs only) was lent to the respondent by cash and hence, he prayed for the grant of leave.

3. The question as to whether the cheque was issued for a legally enforceable debt has to be considered by this Court in the instant appeal. Hence, the leave is granted to file an appeal.

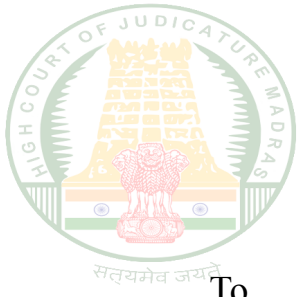
4. The Registry is directed to number the appeal and post for admission if it is otherwise in order.

09-01-2025

dk

SUNDER MOHAN., J.

dk



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