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Crl.O.P.No.354 of 2025
in Crl.A.Sr.No.65924 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09-01-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

Crl.O.P.No.354 of 2025
in Crl.A.Sr.No.65924 of 2024

M.Yasodha
W/o.Manickam,
No.13, Vinayaga Residency,
Kumilan Parappu Pirivu,
Perundurai Road,
Chithode Road,
Erode - 638 102.

...Petitioner/Appellant/Complainant

Vs

S.Senthilkumar
G.S.Traders,
No.525, Nethaji Road,
Erode - 638 001.

...Respondent/Respondent/Accused

Prayer : Criminal Original Petition filed under Section 378(4) of the Criminal Procedure Code/Section 419(4) of the BNSS, 2023 to Grant Special Leave and permit the petitioner/appellant to prosecute the above Criminal Appeal filed against the Judgment of acquittal dated 08.10.2024 in S.T.C.No.303 of 2022, on the file of the learned Judicial Magistrate Court, Fast Track Court-I, Erode.



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For Petitioner(s):
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Mr.P.Rajkumar Pandian

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.P.Rajkumar Pandiyan, the learned counsel for the petitioner/appellant, would submit that the signature in the cheque was admitted by the respondent/accused; that the respondent had admitted the issuance of the cheque in the reply notice, though he would state that it was issued for a different transaction for the loan alleged to have been taken from the aunt of the petitioner; and that the trial Court, however, had not overlooked the fact that the petitioner had established the cheque was issued for a legally enforceable debt and hence, he prayed for the grant of leave.



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3.The points raised by the learned counsel for the petitioner require consideration by this Court. 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

To
S.Senthilkumar
G.S. Traders, No.525,
Nethaji Road,
Erode - 638 001.



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SUNDER MOHAN., J.

dk

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