



CrI.O.P.No.32325 of 2024 in
CrI.A.Sr.No.61350 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **02-01-2025**

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO. 32325 of 2024

in

CrI.A.Sr.No.61350 of 2024

R.Rajesh
S/o. Rajamani,
No.4/15, Neeliamman Nagar,
2nd Street, Edayarpalayam,
Coimbatore - 641 025.

Petitioner/Appellant (s)

Vs

H.Ravishankar
S/o.Haridoss,
No.68, 4th Cross West,
Om Ganesh Nagar,
Vadavalli,
Coimbatore - 641 041.

Respondent/Respondent(s)



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Prayer: Criminal Original Petition filed under Section 419(4) of the Bharatiya Nagarik Suraksha Sanita 2023 to grant special leave to the petitioner to file an appeal against the Judgment of the Fast Track Court No.I, Judicial Magistrate, Coimbatore dated 25.09.2024 in C.C.No.534 of 2020.

For Petitioner(s):

Mr.V.Nicholas

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.V.Nicholas, the learned counsel for the petitioner, would submit that the respondent has not disputed the signature in the subject cheque; that the petitioner had established that the accused had received a sum of Rs.2,29,000/- (Rupees Two Lakhs Twenty Nine Thousand only) to obtain an approval for building; that when the respondent failed to take any steps, the



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petitioner sought for return of the amount and therefore, the respondent issued the cheque; that the respondent had not rebutted the statutory presumption; and that the trial Court had erroneously acquitted the respondent.

3. The question as to whether the cheque was issued for a legally enforceable debt requires 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.

02-01-2025

dk

To
H.Ravishankar
S/o.Haridoss,
No.68, 4th Cross West,
Om Ganesh Nagar,
Vadavalli, Coimbatore - 641 041.



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SUNDER MOHAN., J.

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