



WEB COPY



Crl.O.P.No.32333 of 2024

in

Crl.A.Sr.No.67368 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **02-01-2025**

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO.32333 of 2024

in

Crl.A.Sr.No.67368 of 2024

S.V.Sangitha
D/o.Late K.G.Swaminathan,
No.794, 59th Street,
10th Street,
K.K.Nagar,
Chennai-600 078.

Petitioner(s)

Vs

R.Vetri Selvan
S/o.N.Rajendiran,
Old No.2, New No.3,
Raja Annamalai Road,
Purasaivakkam,
Chennai - 600 084.

Respondent(s)

Prayer: Criminal Original Petition filed under Section 378(4) of the Criminal Procedure Code to grant leave to the petitioner to prosecute the above Criminal Appeal before this Hon'ble Court, against the order of acquittal dated 22.10.2024 made in C.C.No.893 of 2020 on the file of the XXVII Metropolitan Magistrate Court, (Fast Track Court for Trial of Cases under Section 138 of the Negotiable Instruments Act) Saidapet, Chennai.



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For Petitioner(s):

Mr.D.R.Arun Kumar

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.D.R.Arun Kumar, the learned counsel for the petitioner, would submit that though the respondent/accused had not denied his signature in the cheque and had not rebutted the statutory presumption, the trial Court had erroneously acquitted the respondent on the ground that there are contradictions in the evidence of the petitioner; and that the petitioner has not established his capacity to lend a sum of Rs.50,00,000/- (Rupees Fifty Lakhs only) to the respondent and therefore, he sought for leave.



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3. The question as to whether the cheque was issued for a legally enforceable debt and whether the petitioner had established his capacity to lend a sum of Rs.50,00,000/- (Rupees Fifty Lakhs only) has to be considered by this Court. Hence, the leave is granted.

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

02-01-2025

dk

To
R.Vetri Selvan
S/o.N.Rajendiran,
Old No.2, New No.3,
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SUNDER MOHAN., J.

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