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Crl.O.P.No.36215 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2026

CORAM:

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.36215 of 2025
in Crl.A.Sr.No.21221 of 2025

A.Gullo Girolamo
Rep. By his Power Agent
M.Vijay Maheswaran

...Petitioner

-Vs-

S.Thushara

...Respondent

PRAYER: This petition is filed under Section 419 (4) of BNSS, 2023, seeking to grant Special Leave to prosecute the above appeal before this Hon'ble Court against the order of acquittal dated 22.10.2024 made in STC No.695 of 2019 on the file of the learned Judicial Magistrate (Fast Track) Court, Tiruppur.

For Petitioner : Mr.Marisharan

ORDER

The Appeal challenges the Judgment of acquittal passed by the learned Judicial Magistrate (Fast Track) Court, Tiruppur in S.T.C.No.695 of 2019 vide order dated 22.10.2024.



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2. It is case of the petitioner that towards the discharge of the respondent's liability, the respondent had issued a cheque in favour of the petitioner; that when the cheque was presented for collection, it was returned for the reason 'payment stopped by drawer' and hence, the respondent is liable for the offence under Section 138 of the Negotiable Instruments Act.

3.The learned counsel for the petitioner would submit that the impugned Judgment is erroneous and liable to be set aside, since the learned Judge had erroneously held that the respondent is not liable to pay the cheque amount to the petitioner, though the petitioner had established that the cheque was issued for a legally enforceable right.

4.This Court is of the view that the points raised in the petition requires consideration.

5.Hence, Leave granted.

05.01.2026

Tsg



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To
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The Judicial Magistrate (Fast Track) Court, Tiruppur.



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SUNDER MOHAN, J.

Tsg

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