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B.Radhakrishnan vs Thomas Kutty

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SooperKanoon Citation : sooperkanoon.com/1314443

Court : Kerala

Decided On : Jan-24-2024

Judge : Honourable Mr.Justice K. Babu

Appeal No. : Crl.L.P./612/2023

Appellant : B.Radhakrishnan

Respondent : Thomas Kutty

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE K. BABU WEDNESDAY, THE 24TH DAY OF JANUARY 2024 / 4TH MAGHA, 1945 AGAINST THE ORDER/JUDGMENT IN ST 10014/2015 OF JUDICIAL FIRST CLASS MAGISTRATE COURT(TEMPORARY), PARAVUR PETITIONER/COMPLAINANT: B.RADHAKRISHNAN AGED 70 YEARS S/O BALAKRISHNAN, RADHAKRISHNAVILASAM, EDAVATTOM, CHIRAKKARA, KALLUVATHUKKAL P O, KOLLAM VILLAGE, PIN - 691578 BY ADVS. P.SIVARAJ MEGHA.M.S. M.MEHAR FARSANA RESPONDENTS/ACCUSED: 1 THOMAS KUTTY S/O YOHANNAN, ST. THOMAS HOUSE, VARINJAM, CHATHANNOOR, KOLLAM, PIN - 691572 2 STATE OF KERALA REPRESENTED BY PUBLIC

PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM, PIN - 682031 SRI. G. SUDHEER - PP THIS CRIMINAL LEAVE PETITION HAVING COME UP FOR ADMISSION ON 24.01.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BABU, J.

Crl.L.P.No.612 of 2023 Dated this the 24th day of January, 2024

ORDER

Heard the learned counsel for the petitioner. The petitioner challenges the judgment acquitting the accused of the offence under Sec.138 of the NI Act in S.T.No.10014/2015 on the files of the Judicial First Class Magistrate Court, (Temporary), Paravur.

2. The learned counsel for the petitioner submits that

the petitioner has established the execution of the cheque by the accused. The materials on record disclose deeper scrutiny and re-appreciation, review and reconsideration of the evidence. Therefore, the petitioner is granted leave to appeal. Sd/- K.BABU, JUDGE LU

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