

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.04.2018

CORAM

THE HONOURABLE Mr. JUSTICE G.R.SWAMINATHAN

CRL.A.No.748 of 2002

M.M.Ravindranathan

.. Appellant

.Vs.

Gafarkhan,
76, Basin Bridge Road,
Chennai-24.

.. Respondent

Criminal Appeal filed under section 378 of the Code of Criminal Procedure, 1973, to set aside the order of acquittal made under Section 256 (1) of Cr.P.C. and dismissal of the complaint passed on 29.10.2001 made in C.C.NO.7482 of 1998 on the file of VIII Metropolitan Magistrate, and to restore the complaint for prosecution.

For Appellant : No Appearance

For Respondent : Notice unserved

JUDGMENT

The appellant is the Complainant. This appeal has been preferred against the order dated 29.10.2001 dismissing the complaint for non appearance of the complainant and acquitting the accused.

2.Even today, when this appeal was taken up for hearing, the appellant is not present. The complaint was filed following dishonor of the cheque issued by the respondent herein. The complaint was taken on file by the learned VIII Metropolitan Magistrate, George Town, Chennai-1 in C.C.No.7482 of 1998. It was noted that the plaintiff was continuously absent on 17.08.2001, 27.09.2001, 11.10.2001, again on 29.10.2001.

3.The learned trial Metropolitan Magistrate issued two final notices calling upon the complainant to appear. Yet, there was no response. This is the case of private complainant. When the complainant has not shown his interest to proceed with the trial, the trial Magistrate cannot undoubtedly wait for him to arrive. Therefore, for the non appearance of the complainant,

the accused was acquitted, citing non appearance of the complainant. As already pointed out, even before this Court, the appellant is not present. The trial Court recorded the absence of the complainant on several dates, when the appeal was called. Finally, he called absent.

4.The judgment of the trial Magistrate Court dated 29.10.2001 in C.C.No.7482 of 1998 is confirmed, and the appeal stands dismissed.

Sd/-

Assistant Registrar(CS VIII)

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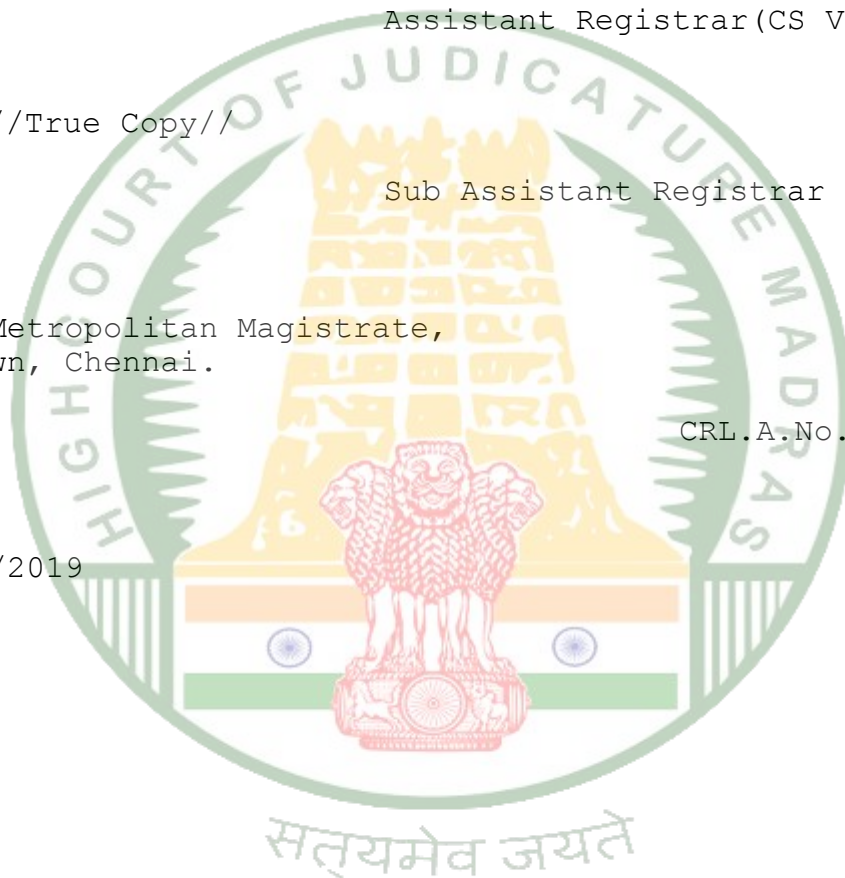
Sub Assistant Registrar

To

The VIII Metropolitan Magistrate,
George Town, Chennai.

CRL.A.No.748 of 2002

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