

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.02.2019

CORAM:

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Cr1.A.No.90 of 2009

Rajendrakumar

... Appellant

/Vs/

V.Sankaran

... Respondent

PRAYER: Criminal Appeal filed under section 378 of the Criminal Procedure Code, against the judgement passed in C.C.No.2054 of 2005 dated 24.10.2008 on the file of the learned District Munsif-cum-Judicial Magistrate, Ambattur.

For Appellant : Mr.T.Muruganantham

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J U D G M E N T

This criminal appeal has been filed by the appellant/complainant against the order of acquittal in a private complaint filed for the offence under Section 138 of the Negotiable Instrument Act.

2. This Court had permitted the appellant to take private notice on the respondent on 16.02.2009. Since private notice had not been taken by the appellant this Court had permitted again on 12.12.2017, 19.01.2018 and on 05.02.2018. The appellant had not taken private notice despite several chance given to him. Thereafter, when this matter was listed for hearing on 07.02.2019, this Court finding that the directions of this Court had not been complied directed the counsel for the appellant to take fresh private notice and informed him that the matter will be posted under the caption "for dismissal" and if fresh notice is not taken and reported on the next hearing, the appeal will be dismissed for default. Even, today it has been represented by the learned counsel for the appellant that private notice has not been taken.

3. Though, several opportunities have been granted, the appellant has not taken private notice and the counsel for the appellant appeared and requested time for taking private notice.

4. This Court is of the opinion that neither the appellant nor the counsel for the appellant is interested in prosecuting case. No purpose would be served by keeping this appeal pending without any steps being taken by the appellant or his counsel time and again. Hence, the Criminal Appeal is dismissed for default.

Sd/-
Assistant Registrar(CS IV)

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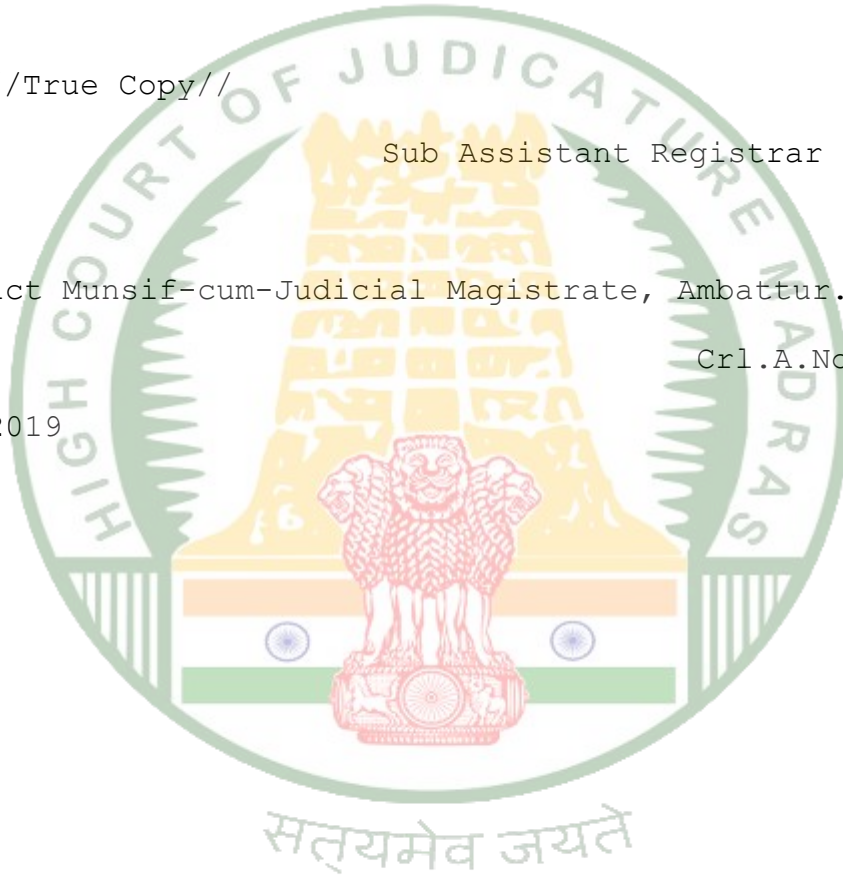
Sub Assistant Registrar

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To
The District Munsif-cum-Judicial Magistrate, Ambattur.

Crl.A.No.90 of 2009

nr 14/03/2019



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