

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.04.2019

Coram:

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

Criminal Appeal No.582 of 2015

H.Syed Ali

.. Appellant/Complainant

/versus/

S.Sanjeev

.. Respondent/Accused

Criminal Appeal filed under Section 378 of the Criminal Procedure Code against the order of acquittal dated 20.01.2015 made in S.T.C.No.242 of 2013 on the file of the Judicial Magistrate, Fast Track Court No.1, Erode.

For Appellant :No appearance

For Respondent :Notice unserved
No appearance

J U D G M E N T

There is no representation for the appellant. The respondent not yet served.

2. The appeal is filed against the order of acquittal passed by the Judicial Magistrate(Fast Track Court No.1), Erode on 20.01.2015 on the ground that the complainant was not present and not inclined to proceed with the complaint, inspite of affording opportunity to him.

3. From the impugned order, the Court finds that the private complaint was taken on file by the Judicial Magistrate on 03.04.2013. Inspite of keeping the matter pending for nearly two years, the complainant has not come forward to prosecute the case. Hence, recording the reasons, the complaint has been dismissed. Aggrieved by that, the present appeal is filed.

4. Inspite of permitting him to take private notice vide order dated 03.02.2016, the appellant has not taken steps to serve notice on the respondent.

5. In the light of the above fact, this Court is of the opinion that the appellant is not interested in pursuing the appeal that is the reason why he has failed to appear before the trial Court to prosecute the matter and even after preferring

the appeal, he has not taken care to serve notice to the respondent. Hence, this Criminal Appeal is dismissed. The order of acquittal passed by the Judicial Magistrate, Fast Track Court No.1, Erode in S.T.C.No.242 of 2013 dated 20.01.2015 is hereby confirmed.

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

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To

1.The Judicial Magistrate, Fast Track Court No.1, Erode.

2. The Section officer
Criminal Section (Records)
High Court, Madras 104.

Crl.A.No.582 of 2015

NRJK (CO)
SP (09/05/2019)



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