

Crl.O.P.No.5161 of 2021
in Crl.A.Sr.No.36402 of 2021
P.VELMURUGAN, J.

The petitioner herein filed a complaint under Section 138 of Negotiable Instruments Act against the respondent/accused before the learned Fast Track Judicial Magistrate-II, Erode and the same was taken on file in S.T.C.No.456 of 2016. After due enquiry, the learned Magistrate dismissed the complaint. Challenging the said dismissal of acquittal, the petitioner is before this Court with the above appeal. Since the appeal is against the acquittal, the petitioner filed the present petition to grant leave to file appeal.

2. When the matter was taken up for hearing on 16.03.2021, notice and private notice was ordered by this Court, but, the private notice sent to the sole respondent was returned with an endorsement 'Refused'. Hence, this Court by order dated 07.04.2021, directed the petitioner to take substituted service on the respondent's last known address. Despite service of paper publication on the respondent and his name is printed in the cause list, there is no appearance either in person or through counsel.

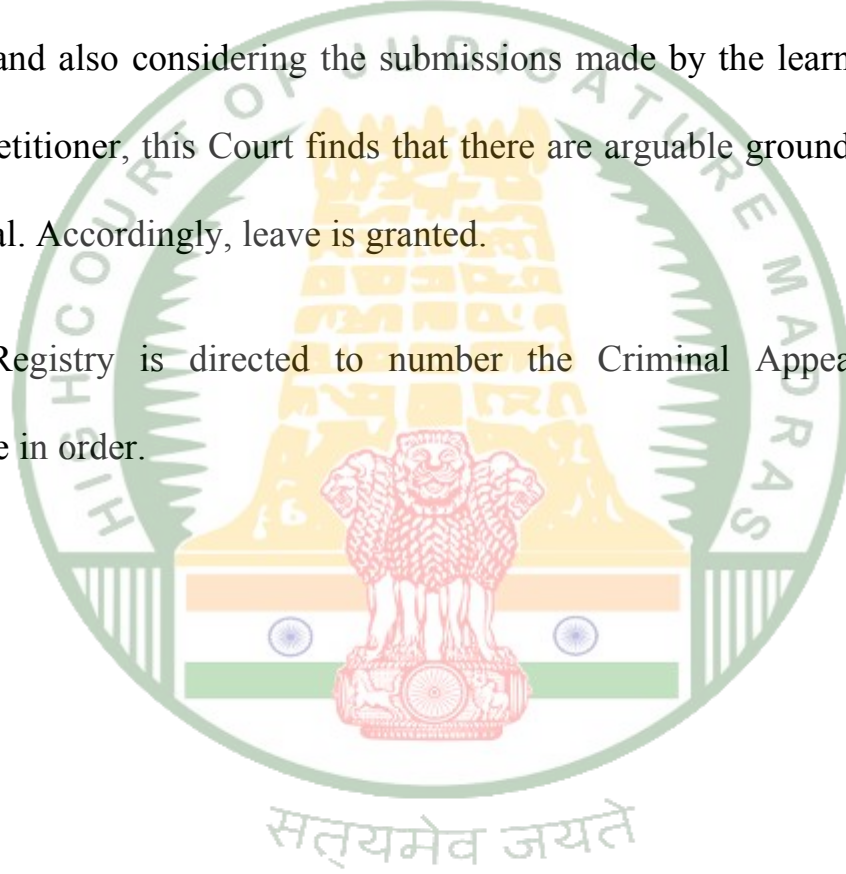
3.Heard the learned counsel for the petitioner and perused the materials available on record.

4.On being satisfied with the averments made in support of this petition and also considering the submissions made by the learned counsel for the petitioner, this Court finds that there are arguable grounds for filing the appeal. Accordingly, leave is granted.

5.Registry is directed to number the Criminal Appeal, if it is otherwise in order.

29.06.2021

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