

Crl.O.P.No.10332 of 2021 in

Crl.A.SR.No.12524 of 2021

P.VELMURUGAN, J.

The petitioner is complainant and the respondent is accused. The petitioner/complainant had filed a private complaint for the offence under Section 138 of Negotiable Instruments Act before the learned Metropolitan Magistrate, Fast Track Court No.I, Egmore, Chennai, in C.C.No.616 of 2016 and the learned Metropolitan Magistrate after enquiry, acquitted the respondent/accused by Judgment dated 10.12.2020.

2. Challenging the same, the petitioner/complainant has filed the present appeal before this Court. Since, the appeal is against acquittal, he has also filed the Criminal Original petition to grant leave.

3. When the matter came up before this Court on 04.10.2021, this Court had directed the learned Counsel for the petitioner to take substituted service since, it was represented that he was unable to serve notice on the respondent.

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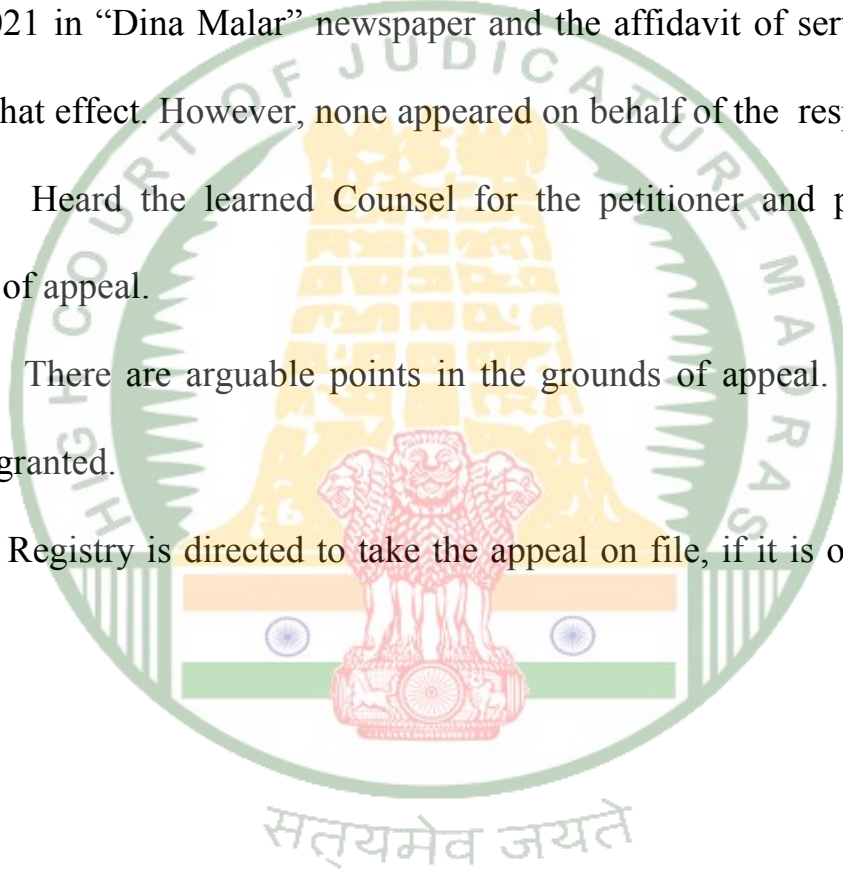
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4. Today when the matter is taken up for hearing, the learned counsel for the petitioner would submit that as per the order of this Court dated 04.10.2021, substituted service was taken to the respondent on 13.10.2021 in “Dina Malar” newspaper and the affidavit of service is also filed to that effect. However, none appeared on behalf of the respondent.

5. Heard the learned Counsel for the petitioner and perused the grounds of appeal.

6. There are arguable points in the grounds of appeal. Therefore, leave is granted.

7. Registry is directed to take the appeal on file, if it is otherwise in order.



22.10.2021

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