



CrI.A.No.411 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.11.2022

CORAM:

THE HONOURABLE Dr.JUSTICE G.JAYACHANDRAN

CrI.A. No.411 of 2015

R.Bharathi

... Appellant

Vs.

1.M/s.Friends Apparels,
represented by its Partner V.Muthusamy

2.V.Muthusamy

3.Palanisamy

... Respondents

Prayer: Criminal Appeal filed under Section 378 of Cr.P.C. against the order dated 25.07.2014 in S.T.C. No.359 of 2012 on the file of Judicial Magistrate No.1, Tiruppur.

For Appellant : No appearance

For Respondents : No appearance for R1 and R2

R3-Notice returned

JUDGMENT

This appeal is filed against the order of acquittal in a private complaint filed under Section 138 of the Negotiable Instruments Act.

2.A perusal of the impugned order indicates that the complainant



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is the appellant herein and not been represented in spite of several adjournments and notice. Hence, the complaint was closed under Section 256 of Cr.P.C. and the accused acquitted.

3.In the appeal, it is stated that the complainant was suffering from severe gastric problems and dehydration and therefore, he was unable to attend the Court. However, the impugned order clearly states that recording the absence of complainant, notice has been sent to him and in spite of notice, he was not appeared and only after giving adequate opportunity to the complainant to represent the case, complaint has been closed under Section 256 of Cr.PC. on his failure.

4.When the matter is listed today, there is no representation for the appellant, though this appeal is of the year 2015 and listed on several occasions. Therefore, the non-appearance of the appellant clearly indicates that he is not interested in pursuing the matter to reach the logical end. This Court does not appreciate the attitude of



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the appellant in keeping the matter pending. Hence, this appeal stands dismissed for default.

10.11.2022

vga
Index:yes/No

To

- 1.The Judicial Magistrate No.1,
Tiruppur.
- 2.The Public Prosecutor,
High Court, Madras.



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Dr.G.JAYACHANDRAN,J.

vga

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