



WEB COPY



Crl.O.P.No.5138 of 2022

Crl.O.P.No.5138 of 2022
in
Crl.A.SR.No.17431 of 2021

R.PONGIAPPAN, J.

Heard the learned counsel appearing for the petitioner.

2. This Criminal Original Petition is filed to grant leave for filing an appeal against the order of acquittal dated 01.03.2021 in C.C.No.387 of 2020, on the file of the learned Judicial Magistrate (FTC-I) @ ML, Coimbatore.

3. The petitioner/appellant is the complainant in the above referred case. He filed the said case against the respondent/accused alleging that the respondent is liable to be convicted under Section 138 of Negotiable Instruments Act, 1881. The learned Judicial Magistrate (FTC-I) @ ML, Coimbatore, after taking cognizance, issued summons to the respondent for his appearance. After receipt of the summons, the respondent also appeared before the trial Court. In the meanwhile, for the reason that the present petitioner/complainant has not appeared on 01.03.2021, the learned Judicial



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Magistrate (FTC-I) @ ML, Coimbatore, dismissed the complaint filed by the petitioner, by invoking Section 256 of Cr.P.C.

4. Now, it is the submission made by the learned counsel appearing for the petitioner that due to the reason that the petitioner was admitted as in-patient in the hospital, he is unable to appear before the Court on 01.03.2021 and therefore, the absence of the petitioner is neither wilful nor wanton.

5. In this regard, all are aware, nowadays due to Covid-19, majority of the total population suffered a lot and therefore, some of the persons have not attended the Court proceedings. Hence, the reasons stated by the petitioner for granting leave is having merits and accordingly, ***leave is granted and this Criminal Original Petition stands allowed.***

07.03.2022

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Note : Registry is directed to number the appeal, if it is otherwise in order.

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