



**Crl. O.P.No. 25362 of 2021**

**in**

**Crl.A.SR.44324 of 2021**

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**A.D.JAGADISH CHANDIRA, J.**

The learned counsel for the petitioner would submit that the petitioner as the complainant having filed the complaint under Section 138 of the N.I.Act, the case was posted for filing proof affidavit and the petitioner filed proof affidavit on 02.09.2021 and also marked the document. Thereafter the case was posted to 28.09.2021. On that day, due to illness, the petitioner was unable to appear and due to miscommunication, the counsel had also not appeared before the court. The trial court without giving further opportunity on the same day, had dismissed the complaint under 252 Cr.P.C. The petitioner has made out prima facie ground for grant of leave. Leave granted.

**05.01.2022**

vri/shk

**Note:**

Registry is directed to number the appeal, if it is otherwise in order and list the same for admission.