



WEB COPY



CrI.O.P.No.25773 of 2021
in
CrI.A. SR 48352 of 2021

A.D.JAGADISH CHANDIRA, J.

The present petition has been filed by the complainant seeking leave to file the Criminal Appeal against the order dated 5.11.2019 passed by the Judicial Magistrate (Fast Track Court No.1), Coimbatore dismissing Calendar Case No.650 of 2018 filed by him against the respondent herein for dishonour of cheque issued by him.

2. It appears that when the petitioner was expected to conduct trial, he had filed a petition under Section 309 Cr.P.C. seeking adjournment of the case on the ground that he had misplaced the original cheque issued by the respondent, however, the Trial Court had dismissed the Calendar Case by holding that though sufficient opportunity was given to the complainant, he was not ready to conduct the trial.

3. Learned counsel appearing for the petitioner/complainant would submit that at the time of Sworn Statement, originals were produced before the court and the learned Judge had also taken note of it and the originals were returned to the petitioner on 9.10.2018, but, unfortunately, the originals were misplaced by the petitioner and



when the matter was listed on 21.10.2019, the petitioner had filed an Application seeking adjournment under Section 309 Cr.P.C. whereas the Trial Court, without granting sufficient time, had listed the matter on 4.11.2019 and from that date, it was adjourned to 5.11.2019 and on that date, the Trial Court, holding that the petitioner was not ready to proceed with the trial, had dismissed the Application. He would further submit that the cheque amount is Rs.17,00,000/- and the court had also taken note of the original and made an endorsement.

4. Having heard the learned counsel appearing for the petitioner and on perusal of the materials available on record, this court is of the view that a prima facie case is made out to grant the leave. Moreover, the petitioner being the complainant, no reason can be attributed to him to delay or protract the Trial. Therefore, leave is granted.

25.1.2022

ssk.

Note:-

Registry is directed to number the Criminal Appeal, if it is, otherwise, in order and list it in the usual course.



WEB COPY



3

A.D.JAGADISH CHANDIRA, J.

Ssk.

Crl.O.P.No.25773 of 2021
in
Crl.A. SR 48352 of 2021

25.1.2022