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Crl.O.P.No.31264 of 2022
in Crl.A.SR.No.57444 of 2022

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M.NIRMAL KUMAR, J.

This Criminal Original Petition is filed to grant leave to appeal before this Court against the dismissal and acquittal order of accused/respondent in C.C.No.2360 of 2021 on the file of the FTC-II, Metropolitan Magistrate Allikulam Complex, Chennai.

2.Heard the learned counsel appearing on behalf of the petitioner and perused the materials placed on record.

3.The petitioner/complainant in C.C.No.2360 of 2021 filed a private complaint against the respondent/accused for the offence under Section 138 of Negotiable Instrument Act which is pending trial before the FTC-II, Metropolitan Magistrate Allikulam Complex, Chennai. The respondent/accused, for the purchase of Patanjali products from the petitioner, issued two cheques for a sum of Rs.1,27,742/- and Rs.1,40,124/- which on instructions of the respondent was presented but was returned unpaid. Thereafter, the petitioner filed the complaint. It is seen from the



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adjudication produced that the case is pending for completion of service of summons and appearance of the accused. In the adjudication dated 03.09.2022, it was recorded that Complainant present, issue fresh summons to the accused and call on 08.11.2022. On 08.11.2022, it was recorded that previously notice was sent to the complainant for appearance and the case is pending from 2021, hence the complaint is summarily dismissed under Section 256(1) Cr.P.C. Hence, the petitioner filed the above petition seeking leave to challenge the impugned order by way of an appeal.

4.The reasons given by the petitioner seems to be reasonable finding that the accused is so far not appeared before the Trial Court and hence, leave granted. Notice to the respondent/accused is dispensed with. The Registry is directed to number the appeal, if it is otherwise in order.

19.12.2022

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