



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.04.2022

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.A.(MD).No.271 of 2022

WEB COPY

Ravichandran

...Appellant/Complainant

Vs.

Nagendrakumar

...Respondent/Accused

PRAYER: Criminal Appeal filed under Section 378 of Criminal Procedure Code, to call for the records relating to the judgment, dated 28.04.2017 made in the learned Judicial Magistrate, Pudukkottai in S.T.C.No.1464 of 2013, dated 28.04.2017 and set aside the same as illegal and allow the above appeal.

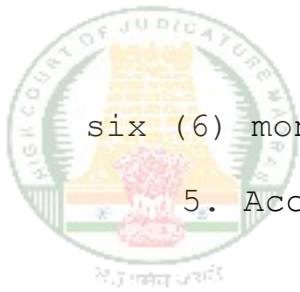
For Appellant : Mr.A.Banumathy

JUDGMENT

This Criminal Appeal has been filed as against the Judgment dated 28.04.2017 in S.T.C.No.1464 of 2013 before the Judicial Magistrate, Pudukkottai, thereby dismissing the complaint lodged by the appellant for the offences punishable under Section 138 of Negotiable Instruments Act.

2. The case of the appellant is that the appellant is the complainant, who lodged complaint as against the respondent alleging that the respondent borrowed a sum of Rs.3,00,000/- on 04.10.2013 as a loan in order to repay the same. The respondents issued cheque and the same was presented for collection. However, it was returned for the reason that "insufficient funds". After issuing statutory notice to the respondents, lodged complaint and the same has been taken cognizance in S.T.C.No.1464 of 2013 on the file of the the Judicial Magistrate, Pudukkottai. However, the appellant was absent for one hearing and it was dismissed for default on 28.04.2017. Thereafter, the appellant filed an appeal before the District Court and again he was directed to appeal before this Court.

3. Considering the above, the appellant may be given one more chance to put forward his complaint before the trial Court. In view of the above, the order passed in the learned Judicial Magistrate, Pudukkottai in S.T.C.No.1464 of 2013, dated 28.04.2017 is set aside. Accordingly, this Criminal Appeal is allowed, on condition that the appellant shall pay a sum of Rs.5,000/- cost to the respondent on or before 19.04.2022, failing which the order has been cancelled without any further reference to this Court. The trial Court is directed to restore the complaint and issue notice to the appellant and the respondent and complete the trial Court within a period of



six (6) months thereafter.

5. Accordingly, this Criminal Appeal is allowed

Sd/-

Assistant Registrar (AE)

WEB COPY

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

btr/aav

Note :In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Judicial Magistrate,
Pudukkottai.

2.The Chief Judicial Magistrate,
Pudukottai

+1 CC to M/s.A. BANUMATHY, Advocate (SR-17546[F] dated 08/04/2022)

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KS (CO)

KB(19.04.2022) 2P 4C