



WEB COPY



CrI.O.P No.2464 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **03.02.2023**

CORAM:

THE HONOURABLE Ms. JUSTICE R.N.MANJULA

CrI.O.P No.2464 of 2023
in CrI.A.Sr. No.3492 of 2023

Syed Mohammed Javeed

... Petitioner

Vs.

K.Venkatesh

... Respondent

Criminal Original Petition is filed under Section 378(3) of Criminal Procedure Code to grant leave to the petitioner / appellant to file this appeal against the order of summary acquittal dated 22.12.2022 in C.C. No.7937 of 2018 on the file of Fast Track Magistrate – II (FTC-II) Allikulam Complex.

For Petitioners : Mr.D.Abdullah

ORDER

This Criminal Original Petition has been filed to grant leave to the petitioner / appellant to file the above appeal against the order of summary acquittal dated 22.12.2022 in C.C. No.7937 of 2018 on the file of Fast Track Magistrate – II (FTC-II) Allikulam Complex.

2. The learned counsel for the petitioner submitted that the petitioner



WEB COPY

is the complainant in C.C.No.7937/2018 on the file of the learned Fast Track Magistrate – II (FTC-II) Allikulam Complex and he has filed a complaint against the respondent for seeking action for the alleged offence committed by the respondent under Section 138 of Negotiable Instruments Act. The said petition was dismissed due to non-appearance of the petitioner. The learned counsel for the petitioner further submitted that since the petitioner is employed at United States of America, he was unable to make his personal appearance before the Court and he has filed a petition to permit him to depose evidence through Video Conference under Rules 4 and 7 of the Madras High Court Video Conferencing in Courts Rules, 2020. But the learned trial Judge without even receiving a petition had chosen to dismiss the same.

3. The learned trial Judge could have received the petition seeking permission to let in evidence through Video Conference and thereafter pass suitable orders. Since the order of dismissal was not on merit but due to default of the complainant, I feel in the interest of justice, leave should be granted to file an appeal.



WEB COPY



Crl.O.P No.2464 of 2022

4. Accordingly, this Criminal Original Petition is allowed.

03.02.2023

Index : Yes/No
bkn

To:

1. Fast Track Magistrate – II (FTC-II)
Allikulam Complex.
2. The Public Prosecutor,
High Court, Madras.



WEB COPY



Crl.O.P No.2464 of 2023

R.N.MANJULA, J.,

bkn

Crl.O.P No.2464 of 2023
in Crl.A.Sr. No.3492 of 2023

03.02.2023