



Crl.A.No.323 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.07.2023

CORAM

THE HONOURABLE MRS. JUSTICE **R. HEMALATHA**

Crl.A.No.323 of 2023

M/s.UBS Publishers Distributors Pvt. Ltd.

Having its Registered Office at

No.5 Ansari Road New Delhi - 110002

Represented by its,

General Manager,

Mr.A.K.Sukumaran

... Appellant

Vs.

1. Rajkumar

Proprietor

M/s. Vinayagar Book Centre

No.316/7 M.A.M.Building,

Sekkalai Road

Karaikudi - 630 001.

2 The State by

Public Prosecutor

... Respondents

Prayer : Criminal Appeal filed under Section 378 (5) of Cr.P.C., to set aside the order / judgment passed by the Learned Judicial Magistrate, Fast Track Court at Magisterial Level No.1, Coimbatore in C.C.No.465 of 2017 dated 08.03.2018.

For Appellant : No appearance

For Respondents : Mr.R.Vinothraja,
Government Advocate (Crl. side)



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J U D G M E N T

No representation for the appellant.

2. The appellant is the complainant in C.C.No.465 of 2017 on the file of the learned Judicial Magistrate, Fast Tract Court No 1, Magisterial level, Coimbatore. The appellant filed a private complaint under Section 200 of Cr.P.C., against the 1st respondent accused Rajkumar, Proprietor of M/s.Vinayagar Book Centre for an offence punishable under Section 138 of the Negotiable Instruments Act.

3. The learned Judicial Magisterial, Fast Track Court No.1, Magisterial level, Coimbatore vide her orders dated 08.03.2018, dismissed the private complainant, acquitting the accused under Section 256 of Cr.P.C., by observing as follows:

“The complainant has filed this complaint against the accused under Section 138 of Negotiable Instruments Act, 1882. Complainant absent. Accused present. No representation for complainant. Sufficient opportunity is given to the complainant for appearance. But neither the complainant nor his counsel appeared. Accused is



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regularly appearing before this court either in person or through his counsel. Hence, the complaint filed by the complainant is dismissed for default and Accused is acquitted under Section 256 of Cr.P.C., ”

4. Aggrieved against the above order, the present appeal has been preferred by the petitioner/complainant.

5. On perusal of the records, it shows that though several opportunities have been given to the appellant, there was no representation on his side. Therefore, the matter is posted today under the caption for dismissal.

6. Even today, there is no representation on the side of the appellant. Hence, this Criminal Appeal is dismissed for non prosecution.

19.07.2023

Index: Yes/No
Speaking/Non-Speaking order
vum

R. HEMALATHA, J.



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vum

To

1. The Public Prosecutor,
Madras High Court,
Chennai.
2. The Section Officer,
Criminal Section,
Madras High Court, Chennai.

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