



*Crl.A(MD)No.124 of 2011*

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

Date : 05.04.2023

CORAM:

**THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN**

**Crl.A.(MD)No.124 of 2011**

Suresh

... Appellant/Complainant

vs.

Maraiyarasu

...Respondent/Accused

PRAYER : This Criminal Appeal has been filed under Section 372 Cr.P.C., to set aside the Judgment and Acquittal order passed by the learned District Munsif, Pattukkottai, dated 08.11.2010 in C.C.No.27 of 2010 and restore the case on its file.

For Appellant : No Appearance

For Respondent : No Appearance

**JUDGMENT**

This Criminal Appeal is filed against the order passed in C.C.No. 27 of 2010 on the file of the learned District Munsif, Pattukkottai, dated 08.11.2010.

2.The learned counsel for the appellant would submit that already handed over the entire case bundle to the party along with change of



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vakalat. Even till today, the appellant has failed to engage any new counsel on behalf of before this Court. Today (ie., 05.04.2023) also no one is present either by appellant or through his counsel.

3.On perusal of the records revealed that the appellant lodged a complaint for the offence under Section 138 of N.I Act. After taking statement, the trial Court has taken cognizance of the case in C.C.No.27 of 2010. However, from 10.12.2008 onwards, the appellant did not appear before the trial Court and as such, the learned District Munsif has rightly dismissed the complaint and acquitted the respondent. Hence, this Court finds no infirmity or illegality in the order of dismissal by the Court below. Therefore, the appeal is liable to be dismissed.

4.Accordingly, the Criminal Appeal stands dismissed.

**05.04.2023**

sjj

NCC : Yes/No

Index: Yes/No

Internet: Yes/No



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To

1. The District Munsif, Pattukkottai.
2. The Section Officer,  
VR Section,  
Madurai Bench of Madras High Court,  
Madurai.
3. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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**G.K.ILANTHIRAIYAN , J.**  
sji

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