



WEB COPY



Crl.O.P.No.489 of 2024
in
Crl.A.SR.No.63194 of 2023

Crl.O.P.No.489 of 2024
in
Crl.A.SR.No.63194 of 2023

M. NIRMAL KUMAR, J.

The petitioner as complainant had filed a private complaint under Section 138 of the Negotiable Instruments Act against the respondent, which was pending before the trial Court in S.T.C.No.1927 of 2022. The trial Court, by order dated 30.10.2023, dismissed the complaint for non payment of process batta under Section 204(4) r/w 256 of Code of Criminal Procedure, against which, the present leave petition seeking leave of this Court to file the above Criminal Appeal.

2.The contention of the petitioner is that the summons was evaded by the respondent wantonly and thereafter the trial Court had issuedailable warrant on 27.09.2022. The petitioner had wrongly heard the hearing date and thereafter, unable to follow the case. In the meanwhile, the petition was dismissed on 30.10.2023. Due to the dismissal of the complaint, the petitioner had been denied of his substantial right of justice.



WEB COPY



Crl.O.P.No.489 of 2024
in
Crl.A.SR.No.63194 of 2023

M. NIRMAL KUMAR, J.

rsi

3.Finding reason and force in the petitioner's submission, this Court is inclined to grant leave. Accordingly, leave is granted.

12.01.2024

Note: Registry is directed to number the Criminal Appeal, if it is otherwise in order.
rsi

Crl.O.P.No.489 of 2024
in
Crl.A.SR.No.63194 of 2023