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Crl.A.No.349 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2024

CORAM

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

Crl.A.No.349 of 2014

Mary Rubala

... Appellant

Vs.

G. Pannirselvam

... Respondent

Prayer : Criminal Appeal filed under Section 378 (4) of Criminal Procedure Code, against the Judgment and orders passed in S.T.R.No.268/2000, dated 09.11.2011 on the file of the Judicial Magistrate-II, Puducherry.

For Appellant : Mr.J.Rajkumar Roberts
For Respondent : No appearance

JUDGMENT

Challenging the Judgment and orders passed in passed in S.T.R.No.268/2000, dated 09.11.2011 on the file of the Judicial Magistrate-II, Puducherry, the present Criminal Appeal is filed by the 'proposed complainant'.



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2. The learned Judicial Magistrate-II, Puducherry, had passed the following orders in Crl.M.P. No.568/2011 in STR No.268/2000.

"This is a petition filed by the petitioners/proposed parties to implead the petitioner 2 and 3 as mentioned in the petition in the above said STR No.268/2000 as complainant Nos.2 and 3.

2. Today the petition was called. Batta is not paid. Petitioner is called absent. No representation is made on behalf of him. Despite several chances given batta is not paid. Hence, this petition is dismissed for default."

Consequently S.T.R. No.268/2000 was also dismissed by observing thus:

"This is a private complaint filed by the complainant against the accused person under Section 138 r/w Section 142 of Negotiable Instruments Act, for dishonour of cheques bearing Nos.885816 dated 17.09.1999 for Rs.6,25,000/- and 885817 dated 23.10.1999 for Rs.2,00,000/- drawn on Indian Bank, Mettupalayam branch,



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Puducherry.

2. Today the complainant was called.

Complainant died. Steps to bring the L.R. of the deceased complainant filed and pending in Cr.M.P. No.568/2011 is dismissed for default today. Hence, the complaint is dismissed under Section 256 Cr.P.C. and the accused is acquitted."

3. Challenging the orders passed in S.T.R.No.268/2000, dated 09.11.2011, by the learned Judicial Magistrate-II, Puducherry, the present appeal is filed. Though the appeal is of the year 2014, notice has not been served on the respondent/accused by the appellant. There is no representation on behalf of the "proposed complainant". In the circumstances, the Criminal Appeal stands dismissed.

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Index: Yes/No
Speaking/Non-Speaking order

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Neutral Citation : Yes / No
bga

R. HEMALATHA, J.

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To

1. The Judicial Magistrate-II, Puducherry.
2. The Section Officer,
Criminal Section,
Madras High Court,
Chennai.

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