



WEB COPY



Crl.A.No.515 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2024

CORAM :

THE HONOURABLE MRS. JUSTICE R.HEMALATHA

Crl.A.No.515 of 2014

K.Sivakumar	...	Appellant / Complainant
	vs.	
Srimathi Vanipriya	...	Respondent / Accused

PRAYER: Criminal Appeal filed under Section 378 of Criminal Procedure Code, 1973, against the judgment and orders dated 12.04.2014 passed in C.C.No.107/2013 by the Judicial Magistrate No.VI, Coimbatore.

For Appellant : No appearance

For Respondent : Ms.Rashmi Yesudas, for
Mr.J.Ranjith Kumar

JUDGMENT

The counsel for the appellant on record is not present today. The counsel for the Respondent is present.

2. The present appeal is filed against the judgment and orders dated 12.04.2014, passed in C.C.No.107/2013 by the Judicial Magistrate No.VI, Coimbatore, dismissing the complaint filed by the appellant/complainant under Section 200 Cr.P.C., against the



Crl.A.No.515 of 2014

respondent/accused for the offence punishable under Section 138 of the Negotiable Instruments Act.

3. A perusal of the orders shows that the complainant was continuously absent and did not prosecute the case. Ultimately, the case was dismissed for non prosecution under Section 256 Cr.P.C., and the accused was acquitted.

4. In the grounds of appeal, it is stated that the Judicial Magistrate No.VI, Coimbatore had dismissed the complaint under Section 256 Cr.P.C., without going into the merits of the case and without giving any opportunity to the appellant/complainant. Section 256 Cr.P.C., reads thus:

“256. Non-appearance or death of complainant:

(1) If the summons have been issued on complaint, and on the day appointed for the appearance of the accused, or any day subsequent thereto to which the hearing may be adjourned, the complainant does not appear, the Magistrate shall, notwithstanding anything hereinbefore contained, acquit the accused, unless for some reason he thinks it proper to adjourn the hearing of the case to some other day.



Crl.A.No.515 of 2014

Provided that where the complainant is represented by a pleader or by the officer conducting the prosecution or where the Magistrate is of opinion that the personal attendance of the complainant is not necessary, the Magistrate may dispense with his attendance and proceed with the case.

2. The provisions of sub-section (1) shall, so far as may be, apply also to cases where the non appearance of the complainant is due to his death.”

5. In the instant case, the docket order of the trial court clearly shows that the appellant continuously absented himself from appearing before the trial Court and there was no representation on his behalf also. Even in the present appeal, the counsel for the appellant on record did not appear eventhough the appeal was filed in the year 2014. There was no representation for the appellant on many occasions.

6. In the circumstances, the orders passed by the Judicial Magistrate No.VI, Coimbatore is confirmed. The Criminal Appeal stands dismissed.

07.06.2024

vum

Index : yes/no

Speaking /Non speaking Order



Crl.A.No.515 of 2014

Neutral Citation : Yes / No

WEB COPY

R.HEMALATHA, J.

vum

To

1. The Judicial Magistrate No.VI, Coimbatore.
2. The Section Officer, Criminal Section, High Court, Madras.

Crl.A.No.515 of 2014

07.06.2024