



WEB COPY



CrI.A.No.292 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.04.2024

CORAM:

THE HONOURABLE MR. JUSTICE **M.DHANDAPANI**

CrI.A.No.292 of 2022

G.Thangam

... Appellant

Vs.

A.R.Balasaraswathi

... Respondent

Prayer: Criminal Appeal filed under Section 378(4) of Cr.P.C, to set aside the order of acquittal passed in C.C.No.698 of 2016 on the file of the Metropolitan Magistrate, Fast Track Court V, Saidapet, Chennai, on 05.10.2021.

For Appellant

: Mr.S.Bruno Cruz

For Respondent

: No appearance

ORDER

The appeal has been filed seeking to quash to set aside the order of acquittal passed in C.C.No.698 of 2016 on the file of the Metropolitan Magistrate, Fast Track Court V, Saidapet, Chennai, on 05.10.2021.

2. The petitioner made a complaint in the year 2016 before the Metropolitan Magistrate under Section 138 of NI Act as against the respondent for the dishonour of the cheque, but the appellant was continuously absent



Crl.A.No.292 of 2022

before the trial Court. However, the learned Judge has dismissed the case on merits. Challenging the said order, the present appeal has been filed.

3. Heard the learned counsel for the appellant and perused the materials available on record.

4. On perusal of the records, it is seen that the this court has entertained the appeal in the year 2022. Till date, the petitioner has not effected service to the respondent. Initially, this court permitted to serve notice on the respondent and the appellant has served notice with incorrect address. Hence, the matter was adjourned. Again, this Court, vide order dated 12.04.2024, ordered to serve notice on the respondent and posted on 26.04.2024. Even today, the appellant has not taken any steps to serve notice on the respondent and there is no proper explanation for the inaction of the appellant.

5. In view of the backdrop, this appeal is dismissed.

26.04.2024

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Crl.A.No.292 of 2022

WEB COPY

Index: Yes/No
Speaking/Non speaking order
rli

To

The Metropolitan Magistrate, Fast Track Court V, Saidapet, Chennai.



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Crl.A.No.292 of 2022

M.DHANDAPANI.J.

rli

Crl.A.No.292 of 2022

26.04.2024