



Crl.A.No.170 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.04.2024

CORAM :

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

Crl.A.No.170 of 2021

Srinivasa Trading Company,
Revathi,
Rep. by its Power of Attorney,
Mohan,
Door No.111/53-B3,
Tiruchengode Road,
Namakkal Town,
Namakkal District.

... Appellant

Vs.

Marudhappan,
Marudhappan Chicken Farm,
Pullamedu Thottam,
Sengapalli, Kaadhappalli Post,
Namakkal District.

... Respondent

Prayer: Criminal Appeal filed u/s.374(2) of the Code of Criminal Procedure, seeking to allow the appeal by setting aside the order passed by the Judicial Magistrate No.1, Namakkal in C.C.No.27 of 2017 by an order dated 06.02.2020.



Crl.A.No.170 of 2021

For Appellant : Mr.S.Suresh

For Respondent : Mr.P.Saravana Sowmiyan

JUDGMENT

The Criminal Appeal has been filed seeking to set aside the order dated 06.02.2020 passed by the learned Judicial Magistrate, No.1, Namakkal in C.C.No.27 of 2017.

2. The learned counsel appearing for the appellant submitted that, this Court, without going into the merits of the case may grant liberty to the appellant to approach the Civil Court for recovery of money by producing the promissory notes, if any and impugned cheques and further prayed that the period during the pendency of C.C.No.27 of 2017 before the Court below and the Criminal Appeal before this Court may be excluded for the purpose of limitation.

3. In view of the above, this Criminal Appeal is dismissed with the above liberty. The period during the pendency of C.C.No.27 of 2017 before the Court below and the Criminal Appeal before this Court for the



Crl.A.No.170 of 2021

purpose of limitation, would be available if the appellant is otherwise entitled to in accordance with law.

16.04.2024

Index : Yes / No
Speaking order / Non-speaking order
NCC : Yes / No
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To

1.The Judicial Magistrate No.1, Namakkal.



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Crl.A.No.170 of 2021

M.DHANDAPANI, J.

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Crl.A.No.170 of 2021

16.04.2024