



WEB COPY



Crl.A.No.352 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.A.No.352 of 2021

S.Chinnasamy

... Appellant

Vs.

M.Muralidharan

... Respondent

Prayer:

Appeal filed under Section 378 of Criminal Procedure Code seeking to allow the criminal appeal and set aside the order of acquittal passed in C.C.No.321 of 2004 dated 29.06.2018 by the Hon'ble Judicial Magistrate Perambalur and order to restore the C.C.No.321 of 2004.

For Appellant : M/s.Ohm Sai Ram

For Respondent : NRN

J U D G M E N T

The criminal appeal has been filed seeking to set aside the order dated 29.06.2018 passed in C.C.No.321 of 2004 by the learned Judicial Magistrate, Perambalur.

2.The learned counsel appearing for the appellant submitted



Crl.A.No.352 of 2021

that the appellant filed complaint under Section 138 of the Negotiable Instruments Act in C.C.No.321 of 2004 on the file of the learned Judicial Magistrate, Perambalur and the said petition was dismissed for non appearance of the appellant. The learned counsel further submitted that the trial Court dismissing the complaint in toto for non appearance is not sustainable one.

3.The appeal is of the year 2021. Till date the appellant has not taken any effective steps to serve notice to the respondent. Since the notice sent by the learned counsel for the petitioner to the respondent returned as 'no such person in the address, on 18.07.2024, this Court issued direction to the learned Public Prosecutor to give necessary instruction to the law enforcing agency to ensure the presence of the respondent, pursuant to which, the law enforcing agency filed report stating that no such person is available in the address mentioned by the appellant.

4.Further, the appellant filed complaint in the year 2004 and the impugned order was passed on 29.06.2018, however, the appellant has filed the appeal only in the year 2021 and took no effective steps to serve notice on the respondent. Further no fresh



Crl.A.No.352 of 2021

address of the respondent was identified by the appellant. Hence, keeping the appeal pending will no longer serve any purpose.

5.This criminal appeal is dismissed for non service of notice to the respondent. The order dated 29.06.2018 passed in C.C.No.321 of 2004 by the learned Judicial Magistrate, Perambalur, is confirmed.

31.07.2024

pri

Index: Yes/ No

Speaking Order: Yes/ No

NCC: Yes/ No

To

1.The Judicial Magistrate,
Perambalur.



WEB COPY



Crl.A.No.352 of 2021

M.DHANDAPANI,J.
pri

Crl.A.No.352 of 2021

31.07.2024