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Crl.O.P.No.13027 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2024

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

Crl.O.P.No.13027 of 2024
in
Crl.A.SR.No.37584 of 2023

A.Selvaraj

... Petitioner

Vs.

R.Srinivasan

... Respondent

Prayer in Crl.O.P.No.13027 of 2024 : Criminal Original Petition filed u/s.378(4) of the Code of Criminal Procedure, seeking to grant leave to file the criminal appeal against the judgment made in S.T.C.No.1534 of 2022 on the file of the Judicial Magistrate No.1, Namakkal on 29.03.2023.

Prayer in Crl.A.SR.No.37584 of 2023 : Criminal Appeal filed under Section 378 of the Code of Criminal Procedure Code, to allow the criminal appeal against the judgement made in S.T.C.No.1534 of 2022 on the file of the Judicial Magistrate No.1, Namakkal on 29.03.2023.

For Petitioner : Mr.I.Abrar MD Abdullah

For Respondent : Mr.K.Selvakumar



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ORDER

This Criminal Original Petition has been filed seeking to grant leave to the petitioner to file an appeal against the impugned order passed by the learned Judicial Magistrate No.I, Namakkal in S.T.C.No.1534 of 2022 dated 29.03.2023.

2. The case of the petitioner is that, he filed a complaint as against the respondent for an offence u/s 138 & 142 of the Negotiable Instruments Act, 1881 (in short 'the N.I. Act') before the trial court in S.T.C.No.1534 of 2022. However, the said complaint was dismissed as non-appearance of the petitioner/complainant. Aggrieved over the same, the petitioner preferred the present petition seeking to grant leave to prefer an appeal against the said order dated 29.03.2023 in S.T.C.No.1534 of 2022.

3. The learned counsel appearing for the petitioner submitted that the complaint filed by the petitioner was dismissed as non-appearance of the petitioner by the trial court and the trial court had acquitted the



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respondent/accused, which is wholly unsustainable. However, the learned counsel, on instructions, submitted that the petitioner is ready to pay a sum of Rs.5,000/- as costs to the respondent and upon payment, this court may direct the trial court to restore the case in S.T.C.No.1534 of 2022 and pass appropriate orders after providing opportunity to the petitioner as well as respondent, within a reasonable time that may be fixed by this court.

4. The learned counsel appearing for the respondent has no objection for the said order being passed.

5. In view of the fair submissions made by the parties, this court is inclined to dispose of this criminal original petition with the following orders :-

(i) the petitioner is directed to pay a sum of Rs.5,000/- (Rupees Five Thousand only) as costs to the respondent, within a period of two (2) weeks from the date of receipt of a copy of this order and file proof of payment of costs to the respondent before the trial court;



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(ii) Upon production of payment of costs to the respondent, the trial court is directed to restore the case in S.T.C.No.1534 of 2022 and pass appropriate orders on merits and in accordance with law, as expeditiously as possible, after providing opportunity to the parties;

(iii) the petitioner as well as the respondent are directed to co-operate with the trial.

6. With the above directions, this Criminal Original Petition is disposed of. Consequently, the Criminal Appeal is rejected at the SR stage itself.

14.06.2024

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

To

The Judicial Magistrate No.1, Namakkal.



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M.DHANDAPANI, J.

sp

Crl.O.P.No.13027 of 2024
in
Crl.A.SR.No.37584 of 2023

14.06.2024



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CRL OP NO. 13027 of 2024
IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: **21-04-2025**
CORAM
THE HONOURABLE MR JUSTICE M.DHANDAPANI

CRL OP NO. 13027 of 2024
AND
CRL A SR NO. 37584 OF 2023

A.Selvaraj
S/o. Arunachalam, D.No. 49/5, Thirawpathi
Amman Kovil Street, Pandamangalam Post,
Paramathi Velur Taluk, Namakkal District.

Petitioner(s)

Vs

R.Srinivasan,
S/o. Late Ramasamy, D.No. 5/138, East
Thottam, Keerambur Post, Namakkal Taluk
And District.

Respondent(s)

CRL A SR NO. 37584 of 2023

A.Selvaraj

Appellant(s)

Vs

R.Srinivasan

Respondent(s)

CRL OP NO. 13027 of 2024

For Petitioner(s):

I.Abrar Md Abdullah

For Respondent(s):



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For Appellant(s):

For Respondent(s):

ORDER

The matter is today listed under the caption 'for being mentioned'.

2.The learned counsel appearing for the petitioner seeks further time to comply with clause (i) in paragraph no.5 of the order of this Court dated 14.06.2024 made in Crl.O.P.No.13027 of 2024 in Crl.A.SR.No.37584 of 2023.

3.Time for payment of costs to the respondent is extended by a further period of two weeks from the date of receipt of a copy of this order.

21-04-2025

CRL OP NO. 13027 of 2024

To

1. R.Srinivasan,
S/o. Late Ramasamy, D.No. 5/138, East Thottam,
Keerambur Post, Namakkal Taluk And District.

2.The Judicial Magistrate No.1, Namakkal.

CRL A SR NO. 37584 of 2023

1. R.Srinivasan
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