



Crl.A.No.471 of 2004

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.04.2024

CORAM

THE HONOURABLE MRS. JUSTICE **R. HEMALATHA**

Crl.A.No.471 of 2004

V.Padmanabhan

... Appellant

Vs.

R.Govindarajan

... Respondent

Prayer : Criminal Appeal filed under Section 378 of the Criminal Procedure Code, to set aside the judgment dated 06.01.2004 in C.C.No.43/2002 on the file of the Judicial Magistrate No.II, Coimbatore.

For Appellant : No appearance

ORDER

When the matter is taken up for hearing toady, there is no representation for the appellant. A perusal of the records shows that the present appellant / complainant filed a private complaint under Section 200 Cr.P.C. for the offence punishable under Section 138 of N.I. Act against the respondent / accused in C.C.No.43/2002 before the Judicial

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Magistrate No.II, Coimbatore. The present appellant / complainant did not appear before the Judicial Magistrate No.II, Coimbatore and hence, the case was dismissed under Section 256 Cr.P.C., as against which the present criminal appeal is filed.

2. A perusal of the records shows that on several occasions there was no representation for the appellant. Even today there is no representation for the appellant. It is pertinent to point out that the appellant / complainant did not appear before the trial court in C.C.No.43/2002 and ultimately the case was dismissed under Section 256 Cr.P.C. Though in the grounds of appeal it is stated that the trial court dismissed the appeal without considering the fact that the cheque amount is Rs.28,000/-, it is relevant to point out that the transaction between the parties allegedly took place in the year 2001 and now we are in 2024. There is nothing on record that the trial court exercised its jurisdiction wrongly.



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In the circumstances, the Criminal Appeal stands dismissed.

08.04.2024

Index: Yes/No
Internet: Yes/No
Speaking/Non-Speaking order
mtl

To

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



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R. HEMALATHA, J.

mtl

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