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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.06.2024

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.A.No.554 of 2024

K.Babu

... Appellant

-Vs-

N.Prakash

... Respondent

PRAYER: Criminal Appeal is filed under Section 378 Cr.P.C, to set aside the acquittal order passed in C.C.No.4388 of 2013 dated 03.01.2023 by the learned Metropolitan Magistrate, Fast Track Court-III, Saidapet, Chennai.

For Appellant : Mr.L.Angayarkanni

For Respondent : Mr.M.Saravanakumar

J U D G M E N T

This criminal appeal has been filed against the acquittal order dated 03.01.2023 passed in C.C.No.4388 of 2013 by the learned Metropolitan Magistrate, Fast Track Court-III, Saidapet, Chennai.



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2.The learned counsel appearing for the appellant submits that the appellant is the complainant in the complaint filed under Section 200 Cr.P.C read with Sections 138 and 142 of Negotiable Instrument Act, 1981, and he could not appear before the trial Court on 03.01.2023, however, the trial Court, vide order dated 03.01.2023, has disposed the complaint acquitting the accused without providing any opportunity to the petitioner and without any discussion on the merits of the case. Challenging the same, the present appeal has been filed.

3. The learned counsel appearing for the respondent submits that since the appellant has not appeared before the Court below, the trial Court has rightly disposed the case which need not be interfered with by this Court.

4. Heard the learned counsel appearing for the appellant and the learned counsel appearing for the respondent.

5. It appears that the appellant is the complainant in C.C.No.4388 of 2023 and since the appellant has not appeared before the



Court below, the case was disposed of on 03.01.2023 acquitting the accused, without any discussion on the merits of the case. Hence, in order to give one opportunity to the appellant/complainant, this Court is inclined to set aside the order dated 03.01.2023 passed in C.C.No.4388 of 2013 by the learned Metropolitan Magistrate, Fast Track Court-III, Saidapet, Chennai and accordingly, it is set aside. The matter is remanded back to the trial Court for fresh consideration. The trial Court is directed to restore C.C.No.4388 of 2013 on file and hear the appellant and the respondent and pass appropriate orders on merits and in accordance with law.

6. Accordingly, the Criminal Appeal is allowed.

18.06.2024

ssb

To

The learned Metropolitan Magistrate, Fast Track Court-III, Saidapet,
Chennai.



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M.DHANDAPANI., J.

ssb

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