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1

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.07.2024

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.A.No.14 of 2024

R.Marimuthu

... Appellant

-Vs-

S.John Moses

... Respondent

PRAYER: Criminal Appeal is filed under Section 378 Cr.P.C, to set aside the order of acquittal dated 13.04.2023 made in C.C.No.386 of 2019 on the file of the learned Judicial Magistrate, Fast Track Court No.I @ Magisterial Level, Coimbatore, by allowing the criminal appeal and convict the respondent.

For Appellant : Mr.T.Naveen Chandar

For Respondent : Mr.A.Thirumaran

J U D G M E N T

The Criminal Appeal has been filed against the judgment dated 13.04.2023 passed in C.C.No.386 of 2019 by the learned Judicial Magistrate, Fast Track Court No.I @ Magisterial Level, Coimbatore.



2. The learned counsel appearing for the appellant submits that the appellant filed a complaint against the respondent/accused under Section 138 of Negotiable Instruments Act for having issued a bounced cheque for a sum of Rs.3,00,000/-, however, the said complaint was dismissed for non-prosecution on 13.04.2023 for non-appearance of the appellant before the trial Court. Hence, this Court may set aside the impugned order and remand the matter back to the trial Court for fresh consideration.

3. The learned counsel appearing for the respondent has no objection to the submission made by the learned counsel appearing for the petitioner.

4. Considering the facts and circumstances of the case and the fact that due to non-appearance of the appellant, the complaint filed by the appellant was dismissed for non-prosecution on 13.04.2023, in order to give one opportunity to the appellant, this Court is inclined to set aside the impugned judgment dated 13.04.2023 passed in C.C.No.386 of 2019 by the learned Judicial Magistrate, Fast Track Court No.I @ Magistrate Level, Coimbatore and accordingly, it is set aside. The matter is remanded back to the trial Court for fresh consideration. The learned



Judicial Magistrate, Fast Track Court No.I @ Magistrate Level,

Coimbatore is directed to restore C.C.No.386 of 2019 on file and decide the matter on merits and in accordance with law, after providing sufficient opportunity to the appellant and the respondent.

5. Accordingly, this Criminal Appeal is allowed.

02.07.2024

NCC : Yes / No

Index : Yes / No

Speaking Order : Yes / No

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4

M.DHANDAPANI., J.

ssb

To

The learned Judicial Magistrate,
Fast Track Court No.I @ Magisterial Level, Coimbatore.

Crl.A.No.14 of 2024

02.07.2024