



WEB COPY



Crl.A.No.703 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.A.No.703 of 2024

M/s.Shriram City Union Finance Limited,
Represented by its Legal Manager Mr.Mathew Arun,
3rd Floor, No.12, Ramasamy Street,
T.Nagar,
Chennai - 600 017.

... Appellant

Vs.

1. Mr.Jaidev P.Kuckreja,
Authorized Signatory,
M/s.Sports Fuel Distribution Private Limited,
Office Nos.201&202, 2nd Floor, Shiv Sadan,
288, SV Road, Bandra West,
Mumbai - 400 050.
also at No.8/B, Maker Mahal, 8th Floor, 249, Perry Road,
Bandra West,
Mumbai - 400 050.

2. Mr.Pratik P.Kuckreja,
Authorized Signatory,
M/s.Sports Fuel Distribution Private Limited,
8/B, Maker Mahal, 8th Floor, 249, Perry Road,
Bandra West,
Mumbai - 400 050.

... Respondents



Crl.A.No.703 of 2024

PRAYER : Criminal Appeal filed under Section 378 of Cr.P.C, to set aside the judgment of acquittal dated 22.05.2023 passed by the learned Metropolitan Magistrate, Fast Track Court-III, Saidapet, Chennai - 15 in C.C.No.8342 of 2018 and restore the matter.

For Appellant : Mr.G.Saibaba
For Respondents : Not ready notice

J U D G M E N T

This appeal has been filed challenging the order passed by the learned Metropolitan Magistrate, Fast Track Court-III, Saidapet, Chennai, in C.C.No.8342 of 2018 dated 22.05.2023 and restore the same.

2. The appellant / complainant moved a prosecution informing that respondent / accused availed a loan for a sum of Rs.22,35,918/- from him and issued three cheques bearing Nos.000248 for a sum of Rs.13,00,000/-, bearing No.000249 for a sum of Rs.6,50,000/- and bearing No.000250 for a sum of Rs.2,85,918/- dated 19.04.2018 drawn on HDFC Bank, Ashoka Shopping Centre, Lokmanya Tilak Road, Crawford Mkt, Mumbai Branch, towards repayment thereof, which on presentation was returned unpaid for



Crl.A.No.703 of 2024

WEB COPY

the reason 'insufficient funds'. Following the procedure envisaged u/s.138 of the Negotiable Instruments Act, appellant / complainant has preferred a complaint and the same was taken on file in C.C.No.8342 of 2018 on the file of Metropolitan Magistrate, Fast Track Court-III, Saidapet, Chennai. However, the said case was dismissed for non-appearance of the appellant / complainant. Challenging the same, the present appeal has been filed.

3. On 06.06.2024, notice was ordered to the respondents, however, it was not served and therefore, on 20.06.2024, this Court issued fresh notice to the respondents.

4. Today when the appeal is taken up for hearing, the learned counsel appearing for the appellant reported that the appellant is not able to find the current location of the respondents. Though sufficient opportunity was given to the appellant to serve notice to the respondents, he could not serve it. Hence, this Court is not inclined to entertain this appeal.



WEB COPY



Crl.A.No.703 of 2024

5. Accordingly, this Criminal Appeal stands dismissed.

08.07.2024

NCC : Yes / No

Index : Yes / No

Speaking Order : Yes / No

vji

To

The learned Metropolitan Magistrate,
Fast Track Court-III,
Saidapet,
Chennai - 15.



WEB COPY



Crl.A.No.703 of 2024

M.DHANDAPANI, J.

vji

Crl.A.No.703 of 2024

08.07.2024