



Crl.O.P.No.27074 of 2024
in Crl.A.Sr.No.52757 of 2024

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SUNDER MOHAN, J.

Aggrieved by the acquittal of the respondent for the offences punishable under Section 138 of Negotiable Instruments Act, the petitioner/complainant has filed the present petition seeking leave to file an appeal.

2. The learned counsel for the petitioner/complainant would submit that the learned counsel for the petitioner was either present in person or represented through a counsel throughout; that the case was pending for execution of warrant against the accused; that on one occasion when there was no representation on behalf of the complainant, the learned Magistrate dismissed the complaint on 23.08.2024 and hence, sought for setting aside the said order; and that the absence was due to inadvertence and neither willful nor wanton.

3. This Court finds force in the submission made by the learned counsel for the petitioner and since, the same requires consideration by this Court, leave is granted to file an appeal.

4. Registry is directed to number the appeal and post for admission, if it is otherwise in order.



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11.11.2024