



Crl.O.P.No.27537 of 2023
in
Crl.A.SR.No.55863 of 2023

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M. NIRMAL KUMAR, J.

This petition has been filed seeking to grant special leave to the petitioner to file the above criminal appeal.

2.The petitioner as complainant had filed a private complaint under Section 138 of the Negotiable Instruments Act, which has been assigned with Filing No.TNSA040038882022 and the same was kept pending. It is seen that after filing the complaint neither the complainant nor her Advocate represented before the Trial Court when the case was called. Finally, the Trial Court on 12.09.2023 dismissed the complaint, against which, the present appeal has been filed.

3.The learned counsel for the petitioner submits that the petitioner being a lady was affected with jaundice and taken native treatment. Further, the jaundice relapsed and she was under treatment and her movements were restricted. Though the counsel before the Lower Court was informed about the



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same, he has not appeared and represented the same before the Court. Hence,

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the complaint has been dismissed. He further submitted that the respondent herein had issued a cheque for discharge of the liability to the tune of Rs.5,98,706/-, which is the amount due during the business transaction. The learned counsel further submitted that substantial justice would be denied to the petitioner and the purport of Section 138 of the Negotiable Instruments Act would be lost, if the appeal is not entertained.

4.Finding reason and force in the petitioner's submission, this Court is inclined to grant leave. Accordingly, leave is granted.

04.01.2024

Note: Registry is directed to number the Criminal Appeal, if it is otherwise in order.
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