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Crl.A.Nos.316, 317 and 318 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2025

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.A.Nos.316, 317 and 318 of 2014

In Crl.A.No.316 of 2014:-

Dr.R.Jagan,
Proprietor,
South India Finance,
No.A.9 D.Colony, Jothi Nagar, Pollachi,
rep. by his Power of Attorney Agent,
V.Narayanan

.. Appellant

Versus

V.N.Rangarajan

.. Respondent

In Crl.A.No.317 of 2014:-

Dr.R.Jagan,
Proprietor,
South India Finance,
No.A.9 D.Colony, Jothi Nagar, Pollachi,
rep. by his Power of Attorney Agent,
V.Narayanan

.. Appellant

Versus



Crl.A.Nos.316, 317 and 318 of 2014

N.Bhuvaneswari

.. Respondent

In Crl.A.No.318 of 2014:-

Dr.R.Jagan,
Proprietor,
South India Finance,
rep. by its Power of Attorney Agent,
V.Narayanan

.. Appellant

Versus

D.Kamalam

.. Respondent

Prayer in Crl.A.No.316 of 2014 : Criminal Appeal filed under Section 378 of Cr.P.C., to set aside the order, dated 25.01.2008 dismissing the complaint and acquitting the accused in C.C.No.20 of 2003 on the file of the Judicial Magistrate Court No.I, Pollachi and restore the same to file and allow the appeal.

Prayer in Crl.A.No.317 of 2014 : Criminal Appeal filed under Section 378 of Cr.P.C., to set aside the order, dated 30.07.2007 dismissing the complaint and acquitting the accused in C.C.No.282 of 2002 on the file of the Judicial Magistrate Court No.I, Pollachi and restore the same to file and allow the appeal.

Prayer in Crl.A.No.318 of 2014 : Criminal Appeal filed under Section 378 of Cr.P.C., to set aside the order, dated 31.07.2007 in C.C.No.652 of 2002 on the file of the Judicial Magistrate Court No.I, Pollachi and allow the above Criminal Appeal.



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For Appellant : Mr.C.R.Prasanan
(in all the appeals)

For Respondent : Not ready in notice
(in all the appeals)

COMMON JUDGMENT

These are the appeals of the year 2014. The appeals are filed aggrieved by the order of the Trial Court in dismissing the complaint for default and acquitting the respondents/accused on the ground that steps are not being taken for execution of the warrant.

2. The contention of *Mr.Prasanan*, the learned Counsel for the appellant/complainant is that on a perusal of the records, it can be seen that on the part of the appellant/complainant, the appellant/complainant has been taking steps. If the respondents/accused could not be found in the address and the Police is unable to execute the warrant, it cannot be fault of the appellant/complainant. There can be no two opinion about the legal



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position. In the normal course, when a notice is served in a Criminal Appeal, the Courts set aside the order of acquittal on the default of the complainant and restore the matter back to the Court. But, in this case, the notice in the Criminal Appeals are also not served. Repeated steps have been taken by the appellant/complainant. As a matter of fact, this Court directed the jurisdictional Police to locate the respondents/accused for the purpose of service of notices to the respondents/accused. A status report has also been filed on behalf of the Police that the accused are not in the address and it is not known as to where they have gone. Even to dispose of the appeals or thereafter to continue the trial, unless the presence of the respondents/accused is secured or their whereabouts are known, steps can be taken. When the accused are completely not traceable and this is a case where the offence took place in the year 2003 and originally, the complaint was pending and now, the Criminal Appeals are pending from the year 2014, no useful purpose will be served in keeping the matters pending.



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3. Accordingly, these Criminal Appeals are closed in exercise of the extraordinary powers under Section 482 of the Code of Criminal Procedure read with Article 226 of the Constitution of India, however, with a liberty to the appellant/complainant to move an application for recalling this order and reopen the appeals for further hearing if the respondents/accused resurface or any clue is obtained against the respondents/accused.

17.11.2025

Neutral Citation : no
grs

To

The Judicial Magistrate Court No.I,
Pollachi.



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D.BHARATHA CHAKRAVARTHY, J.

grs

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