



Crl.A.No.193 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : **23.10.2025**

CORAM

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.A.No.193 of 2022

M.Dhanalakshmi

...Petitioner

Vs.

M.Pachayappan,
S/O. Muthusamy,
No. 9/1 -102, Subramaniya Nagar,
Puduchampalli,
Raman Nagar Post,
Mettur Dam, Salem District

...Respondent

PRAYER: Criminal Appeal filed under Section 378 of Cr.P.C., pleased to set aside the order passed in S.T.C.No. 958 of 2011 dated 11.10.2021 on the file of Judicial Magistrate Court No. II, Mettur and to allow the above Criminal Appeal and pass such further or other orders as may be deemed fit and proper and thus render justice.

For Appellant : Mr. R.Nalliyappan
For Respondent : Mr.S.Mathivanan
(No appearance)



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ORDER

This appeal is directed against the judgment of the learned Judicial Magistrate No.II, Mettur dated 11.10.2021 made in S.T.C.No.958 of 2011.

2.By the said judgment the private complaint filed by the appellant herein complaining an offence under Section 138 of Negotiable Instruments Act, was dismissed for non prosecution. It is stated by the learned counsel for the complainant that if one more opportunity is given the complainant will diligently pursue the same and complete the evidence as early as possible.

3.Considering the plea made by the learned counsel for the complainant and it is better to give an opportunity for the parties to contest the case on merits rather than dismissing it for non-prosecution. The complainant is also undertaking before the Court to diligently pursue the same. Accordingly, this Criminal Appeal is allowed on the following terms:-

i)The judgment of the learned Judicial Magistrate No.II, Mettur, in S.T.C.No.958 of 2011 dated 11.10.2021 stands set aside.



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ii)The case in S.T.C.No.958 of 2011 is restored to the file of the learned trial Court. The complainant and the accused shall appear before the trial Court on 14.11.2025 and the complainant shall conduct the case diligently.

23.10.2025

ep

Neutral citation : Yes/No

To:-
The Judicial Magistrate Court No. II, Mettur.



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D.BHARATHA CHAKRAVARTHY, J.,

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