



Crl.A.No.1160 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

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M.G.Mathew

... Appellant

Vs.

1. Anil.K.C.

2. O.Prasad

... Respondents

PRAYER: Criminal Appeal filed under Section 378 of Cr.P.C., to set aside the order of dismissal of complaint and acquittal of accused in S.T.C.No.3278 of 2021 dated 06.11.2023 passed by the learned II Fast Track Metropolitan Magistrate, Egmore, Allikulam, Chennai for non-appearance of appellant/complainant.

For Appellant : Mr.G.Sam Edwin Raj

For Respondents : No appearance

JUDGMENT

This Criminal Appeal has been filed as against the order dated 06.11.2023 passed by the learned Metropolitan Magistrate, Fast Track Court-II, Egmore, Allikulam, Chennai, in S.T.C.No.3278 of 2021, thereby dismissing the complaint for default and acquitted the respondent for the offence



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punishable under Section 138 of the Negotiable Instruments Act, 1881
(hereinafter referred to as “the NI Act”).

2. The appellant lodged complaint as against the respondent for the offence punishable under Section 138 of the NI Act. After taking cognizance, the trial Court issued summons to the respondent. When the complaint was pending for trial, the appellant was absent on 06.12.2023. Therefore, the complaint was dismissed for non appearance and acquitted the respondent. Aggrieved by the same, the appellant filed the present appeal.

3. Heard the learned counsel appearing for the appellant and perused the materials placed before this Court. Though notice served on the respondent, no one is appeared on behalf of the respondent either by person or through pleader.

4. Considering the above facts and circumstances of the case and in order to give one more opportunity to the appellant to pursue his complaint, this Court is inclined to allow this appeal. Accordingly, the order dated 06.11.2023 passed by the learned Metropolitan Magistrate, Fast Track Court-II, Egmore, Allikulam, Chennai, in S.T.C.No.3278 of 2021, is hereby set aside



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and the matter is remanded back to the trial Court. The trial Court viz., learned Metropolitan Magistrate, Fast Track Court-II, Egmore, Allikulam, Chennai, is directed to issue fresh summon to the respondent and proceed with the trial afresh and also dispose the same on merits and in accordance with law, after issuance of notice to the parties.

5. Accordingly, the Criminal Revision Case stands allowed.

24.07.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order

rts
To

The Metropolitan Magistrate,
Fast Track Court-II, Egmore,
Allikulam, Chennai.



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G.K.ILANTHIRAIYAN, J.

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