



Crl.A.No.820 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated : 08.07.2025

CORAM

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

Crl.A.No.820 of 2025

J Baskaran (since deceased)

1. Vijaya
2. Janagi

.....Appellants / Complainant

Vs

J.Rubavathi

.... Respondent / Accused

Prayer: Criminal Appeal filed under Section 419 of Bharatiya Nagarik Suraksha Sanhita, 2023, to set aside the order of acquittal dated 04.06.2024 passed by the learned Magistrate in STC No.580/2017 on the file of the learned Judicial Magistrate II, Cuddalore.

For Appellant : Mr.Vijay Leshanth

**JUDGMENT**

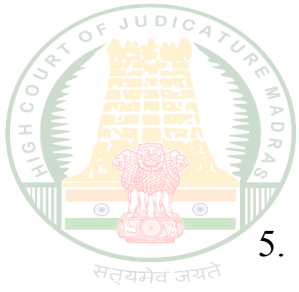
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This Criminal Appeal has been preferred as against the judgment dated 04.06.2024 passed by the learned Magistrate in STC No.580/2017 on the file of the learned Judicial Magistrate II, Cuddalore. thereby dismissing the complaint filed by the appellant.

2. The appellant is the complainant and the respondent is the accused in the complaint lodged by the appellant for the offence punishable under Section 138 of Negotiable Instruments Act. Pending trial, the appellant was reported dead and no steps have been taken and therefore the trial Court has dismissed the complaint and acquitted the respondent.

3. The learned counsel for the appellants submitted that if one more opportunity is granted the appellants, they would take steps by impleading the legal heirs of the deceased and would contest the case.

4. Considering the facts and circumstances of the case, this Court is inclined to give one more opportunity to the appellants to put forth their complaint before the trial Court.



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5. Accordingly, this Criminal Appeal is allowed and the order dated 04.06.2024 passed by the learned Magistrate in STC No.580/2017 on the file of the learned Judicial Magistrate II, Cuddalore, is hereby set aside. The learned trial Judge shall proceed with the trial and the appellants shall co-operate for the trial.

08.07.2025

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

To

The Judicial Magistrate II, Cuddalore.



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G.K.ILANTHIRAIYAN, J.

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