



*Crl.R.C.No.459 of 2025*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.07.2025

CORAM:

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

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P.Jayaraman

... Petitioner

Vs.

R.Joy sundaresan

... Respondent

**PRAYER:** Criminal Revision has been filed under Section 438 r/w 442 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying to allow the Criminal Revision Petition and to set aside the order dated 26.12.2024 passed in S.T.C.No.5337 of 2025 XXVI Metropolitan Magistrate Court, Egmore, Chennai.

For Petitioner : Mr.B.Sharmila

For Respondent : No appearance

**ORDER**

This Criminal Revision has been preferred challenging the order dated 26.12.2024 passed by the learned XXVI Metropolitan Magistrate, Egmore, Chennai, in S.T.C.No.5337 of 2025, thereby dismissing the complaint filed by the petitioner for the offence punishable under Section 138 of the Negotiable Instruments Act (hereinafter referred to as “the NI Act”), for non prosecution.



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**WEB COPY 2.**

The petitioner lodged complaint as against the respondent for the offence punishable under Section 138 of the NI Act and the same was taken cognizance in S.T.C.No.5337 of 2025 on the file of the learned XXVI Metropolitan Magistrate, Egmore, Chennai. While pending trial, the petitioner was not present before the trial Court. Therefore, the trial Court dismissed the complaint for non prosecution. Aggrieved by the same the present revision case.

3. Heard the learned counsel appearing for the petitioner 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, in order to give one more opportunity to the petitioner to pursue his complaint, this Court is inclined to allow this revision. Accordingly, the order dated 26.12.2024 passed by the learned XXVI Metropolitan Magistrate, Egmore, Chennai, in S.T.C.No.5337 of 2025, is hereby set aside and the matter is remanded back to the trial Court. The trial Court viz., learned XXVI Metropolitan Magistrate,



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Egmore, Chennai, is directed to 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.

29.07.2025

Internet: Yes  
Index: Yes/No  
Speaking/Non speaking order

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To

1. The XXVI Metropolitan Magistrate,  
Egmore, Chennai.



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**G.K.ILANTHIRAIYAN. J.**

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