



CrI.A.No.1272 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.08.2025

CORAM:

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

CrI.A.No.1272 of 2025

Kamlesh Jain

... Appellant

Vs.

Haneef

... Respondent

PRAYER: Criminal Appeal filed under Section 419(4) of BNSS, 2023, praying to set aside the order passed in CC.No.1737 of 2021 on the file of the Metropolitan Magistrate, Fast Track Court-I, Egmore @ Allikulam, Chennai dated 22.11.2022.

For Appellant : Mr.M.Rajkumar

JUDGMENT

This criminal appeal has been preferred against the order passed in CC.No.1737 of 2021 on the file of the Metropolitan Magistrate, Fast Track Court-I, Egmore @ Allikulam, Chennai dated 22.11.2022.

2. Heard, the learned counsel appearing for the appellant and perused, all the materials placed before this Court.

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3. On perusal of records, it is revealed that the appellant is the complainant and the respondent is the accused in the complaint lodged for the offence punishable under Section 138 of NI Act. The aforesaid case was taken on file in the year 2021. Though bailable warrant was issued against the accused on 18.08.2021, the appellant did not pay process batta for its execution. Further, the appellant was absent for a long period. Therefore, the complaint was dismissed for non payment of process batta, thereby the respondent has been acquitted from the case. However, this Court is inclined to give one more opportunity to the appellant to put forth his case.

4. In view of the above, the impugned order passed in CC.No.1737 of 2021 on the file of the Metropolitan Magistrate, Fast Track Court-I, Egmore @ Allikulam, Chennai dated 22.11.2022, is set aside and the matter is remanded back to the trial court. The trial court is directed to issue fresh summon to the respondent and proceed with trial. It is made clear that the appellant shall cooperate for trial.

5. With the above direction, this criminal appeal stands allowed.



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

To

The learned Metropolitan Magistrate, Fast Track Court-I, Egmore @
Allikulam, Chennai



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G.K.ILANTHIRAIYAN, J.

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