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Crl.A.No.1183 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **08.08.2025**

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.A.No.1183 of 2025

Chandrasekar

... Appellant

Versus

Meena Devi

... Respondent

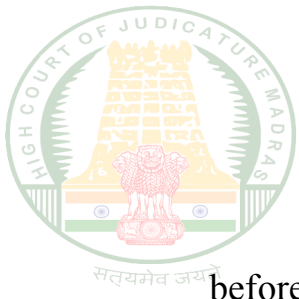
PRAYER: Criminal Appeal filed under Section 419 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, to set aside the order of acquittal passed in S.T.C.No.4447 of 2021 dated 09.01.2025 by the learned Judicial Magistrate No.1 at Salem.

For Appellant : Mr. R. Muruga Bharathi

ORDER

This revision has been filed against the order dated 09.01.2025 passed in STC.No.4447 of 2021 by the learned Judicial Magistrate No.1, Salem, thereby dismissing the complaint filed for the offence under Section 138 of the Negotiable Instruments Act, as non-prosecution.

2. On the complaint lodged by the appellant/complainant



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before the learned Judicial Magistrate No.1, Salem, for the offence under Section 138 of the Negotiable Instrument Act, the case was taken on file in S.T.C.No.4447 of 2021, after taking cognizance of the offence, and summons issued to the respondent, pending trial. However, the appellant failed to appear before the trial Court from 20.12.2024 onwards. After about four years, the complaint was dismissed for default on 09.01.2025. Aggrieved by the said order, the appellant has preferred the present appeal.

3. Heard the learned counsel for the appellant and perused the materials available on record.

4. Considering the submissions made by the learned counsel for the appellant, and with a view to affording one more opportunity to the appellant put forth his defence, this Court is inclined to set aside the order dated 09.01.2025 passed in STC. No.4447 of 2021 by the learned Judicial Magistrate No.1, Salem, and remand the matter back to the Trial Court.



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5. The Trial Court is directed to conduct a fresh trial after issuing notice to the parties and dispose of the same in accordance with law. The appellant shall appear before the Trial Court on all the hearing dates that may be fixed therein, and extend full co-operation for the expeditious disposal of the case.

6. Accordingly, this Criminal Appeal is allowed, setting aside the order dated 09.01.2025, passed in S.T.C.No.4447 of 2021 by the learned Judicial Magistrate No.1, Salem.

08.08.2025

klr

To

1. The Judicial Magistrate No.1, Salem.



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G.K.ILANTHIRAIYAN, J.

klt

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