



Crl.A.No.772 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

Dated : 03.07.2025

CORAM

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

Crl.A.No.772 of 2025

K.Renganathan

.....Appellant / Complainant

Vs

Sivalingam

.... Respondent/Accused

Prayer: Criminal Appeal filed under Section 419 of Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records and to set aside the judgment dated 03.05.2024 made in C.C.No.278 of 2013 on the file of the learned Judicial Magistrate No.V, Salem.

For Appellant : Mr.S.Panneerselvan

JUDGMENT



This Criminal Appeal has been preferred as against the order dated 03.05.2024 made in C.C.No.278 of 2013 on the file of the learned Judicial Magistrate No.V, Salem 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 absent before the trial Court on 03.05.2024 and therefore the trial Court has dismissed the complaint for non-prosecution and acquitted the respondent.

3. The learned counsel for the appellant would submit that the trial is pending from the year 2013. On the date of hearing the appellant could not able to appear before the trial Court.

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

5. Accordingly, this Criminal Appeal is allowed and the order dated



Crl.A.No.772 of 2025

03.05.2024 made in C.C.No.278 of 2013 on the file of the learned Judicial

WEB COPY

Magistrate No.V, Salem. The learned Judicial Magistrate No.V, Salem, is directed to issue fresh warrant to the respondent, if needed, and proceed with the trial and the appellant shall co-operate for the trial.

03.07.2025

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

To

Judicial Magistrate No.V, Salem



WEB COPY



4

G.K.ILANTHIRAIYAN, J.

bkn

Crl.A.No.772 of 2025

03.07.2025