



Crl.A.No.1123 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.07.2025

CORAM

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

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A.P.Jayachandran

... Appellant

Vs

Vani

...Respondent

PRAYER : Criminal Appeal has been filed under Section 378(4) of Criminal Procedure Code, to call for the records in CC.No.6642 of 2018 on the file of the Learned Metropolitan Magistrate Fast Track Court No.II, Egmore @ Allikulam and set aside the order dated 14.08.2024, acquitting the respondent herein of the offence u/s 138 of the Negotiable Instrument Act.

For Appellant : Mr.B.M.Santharam

JUDGMENT

This Criminal Appeal has been filed as against the order passed in CC.No.6642 of 2018 dated 14.08.2024 by the Metropolitan Magistrate Fast Track Court No.II, Egmore @ Allikulam, thereby dismissing the complaint for default.

2. The appellant lodged a complaint as against the respondent for the



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offence punishable under Section 138 of Negotiable Instruments Act. It has been taken cognizance by the Trial Court and issued summons to the respondent. However, pending trial, on 14.08.2024, the petitioner was absent before the Trial Court and as such, the complaint was dismissed for default.

3. In order to give one more opportunity to the petitioner to put forth his case before the Trial Court, this Court is inclined to set aside the order passed by the Trial Court.

4. Accordingly, the order passed in CC.No.6642 of 2018 dated 14.08.2024 by the Metropolitan Magistrate Fast Track Court No.II, Egmore @ Allikulam, is hereby set aside. CC.No.6642 of 2018 is remanded back to the Trial Court for fresh trial by issuing notice to the parties in accordance with law.

5. In the result, this Criminal Appeal is allowed.

30.07.2025

Speaking order/Non-speaking order
Index :Yes/No
Internet :Yes/No
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The Metropolitan Magistrate Fast Track Court No.II,
Egmore @ Allikulam.



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G.K.ILANTHIRAIYAN, J.

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