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CRL A No. 1378 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-09-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL A No. 1378 of 2025

M/S.Roca Bathroom Products Private Limited
Having its registered office at The Heritance
41, Haddows road, Nungambakkam, Chennai,
Tamilnadu - 600 006. Rep. by its POA
Mr.Ravi Jayaraman

Appellant

Vs

Ms.Tanisha Sharma
Proprietrix Art Bath Concepts, SCO-89,
JLPL, Sector-82, SAS Nagar, Mohali,
Punjab - 140380.

Respondent

PRAYER

Criminal Appeal filed under Sec.378 of Cr.P.C./Sec. 419 of B.N.S., praying to set aside the order dated 04.09.2024 in STC.No.7550/2024 passed by the Ld.Metropolitan Magistrate, Fast Track Court -II, Egmore @ Allikulam, Chennai 600003 and Consequently restore the complaint back on the file of the Id. Metropolitan Magistrate, Fast Track court II, Egmore, @ Allikulam, Chennai.



For Appellant: Mr. K.F.Manavalan

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ORDER

Challenging the impugned order dated 04.09.2024 passed in S.T.C.No.7550 of 2024 on the file of Metropolitan Magistrate, Fast Track Court-II, Egmore @ Allikulam, Chennai, the appellant/complainant preferred this Criminal Appeal.

2. Today, when the matter taken up for hearing learned counsel for appellant would submit that when the complaint was filed through online process, due to lack of communication, the amount was not taken and on the date of hearing also, the complainant has not appeared. Therefore, the petition was dismissed for default and learned judge also gave findings that the case is disposed of. Hence, the present appeal was preferred.

3. On perusal of records, the fact reveals that due to non-payment of summons, the petition was dismissed. The complainant is to be given one more opportunity, otherwise their right to defend the case will be defeated. Accordingly, the impugned order passed by the learned Metropolitan



Magistrate, Fast Track Court-II, Egmore @ Allikulam, Chennai in

S.T.C.No.7550 of 2024 is set aside and within a period of two weeks from the

date of receipt of copy of this order, the complainant is directed to take

summons and cooperate with the proceedings and this Criminal Appeal is

allowed.

01-09-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

Metropolitan Magistrate, Fast Track Court-II, Egmore @ Allikulam, Chennai



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T.V.THAMILSELVI J.

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