



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-10-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL A No. 1544 of 2023

M/s.Mayilvaganan Associates
Partnership Firm by its Partner
N.Dhanabal, D.No.20, 1st Floor,
Alagesan Street No.II, Bharathi Park,
8th Street, Saibaba Colony, Coimbatore

Appellant(s)

Vs

M/s.Goodluck Sheeds
Rep by its Proprietor A.Tamilselvan,
Authorized Signatory, No.100A,
Selvarani Nilayamm, Narayanasamy
Street, Southudayarpalayam, Attur,
Salem 636102

Respondent(s)

PRAYER:- Criminal Appeal filed under Sec.374 of Cr.P.C., praying to Set aside the order of dismissal of the complaint in CC.384/2018 dated 20.11.2019 and pass any order to restore the above complaint on the FTM-1 by allowing this appeal



For Appellant(s): Mr. K.Sudhakar

For Respondent(s): Intimation Letter Returned,
Dt.29/01/2024

ORDER

Challenging the impugned order passed by the Judicial Magistrate Fast Track Court No.1, Coimbatore in C.C.No.384 of 2018, dated 20.11.2019, the petitioner/complainant preferred this Criminal Appeal.

2. Before the trial court, the petitioner filed a complaint against the accused under Sec.138 of Negotiable Instruments Act under Sec.317 of Cr.P.C. But, due to his non-appearance, the trial court dismissed the complaint. Challenging the said findings, now the petitioner preferred this Criminal Appeal.

3. The learned counsel for petitioner argues that due to his ill-health, he is not able to appear on the said date and his absence on that day is neither wilful nor wanton. He would also submit that he is having valid defence to prove his case, but the opportunity was not given by the trial court. Hence, he prayed to allow this appeal.



4. Heard and considered rival submissions made by learned counsel for petitioner and perused materials available on record.

6. Considering his submissions, the fact reveals that due to his ill-health, he is not able to follow the proceedings, but the trial court erroneously dismissed the complaint as such is liable to be set aside. On seeing the facts, it reveals that the original case was filed in the year of 2018, nearly about 7 years the complainant is standing before the court and due to health issues, he is not able to appear on the date of hearing. So, to give one more opportunity to defend his case, this Court is inclined to set aside the findings of trial judge in C.C.No. 384 of 2018 and to restore the complaint filed by the petitioner. Accordingly, this Criminal Appeal is allowed.

13-10-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

Judicial Magistrate, Fast Track Court No.1 @ ML, Coimbatore.



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T.V.THAMILSELVI J.

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