



Crl.A.No.935 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2025

CORAM

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

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P.Thangarajan

....

Appellant

Vs

N.Murugan

....

Respondent

PRAYER : Criminal Appeal has been filed under Section 419 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying to call for the records and to set aside the judgment dated 26.09.2024 made in STC No.260 of 2024 on the file of the learned Judicial Magistrate No.I, Salem.

For Appellant : Mr.S.Panneerselvan

JUDGMENT

This Criminal Appeal has been filed challenging the Judgment dated 26.09.2024 passed in STC No.260 of 2024 by the Judicial Magistrate No.I, Salem, thereby dismissing the complaint filed by the appellant and acquitted the respondent for the offence punishable under Section 138 of the Negotiable Instruments Act.



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2. Heard the learned counsel appearing for the appellant and perused

the materials available on record.

3. The appellant is the complainant, who lodged a complaint against the respondent for the offence punishable under Section 138 of the Negotiable Instruments Act. However, the appellant was absent continuously on four hearing dates and also on the date of the judgment passed by the Trial Court. Therefore, the Trial Court dismissed the complaint for default and acquitted the respondent.

4. In view of the above, this Court is of the considered opinion that, in order to give one more opportunity to the appellant to proceed with the complaint. Hence, this Court is inclined to set aside the order passed by the Trial Court.

5. Accordingly, the Judgment dated 26.09.2024 passed in STC No.260 of 2024 by the Judicial Magistrate No.I, Salem, is hereby set aside and the Criminal Appeal is allowed. The Trial Court is directed to issue notice to both the parties and proceed with the trial in accordance with law.

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Index :Yes/No

Internet :Yes/No

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The Judicial Magistrate No.I,
Salem.



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G.K.ILANTHIRAIYAN, J.

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