



Crl.A.No.1167 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED:06.08.2025

CORAM:

THE HON'BLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.A.No.1167 of 2025

M/s.NIRMAN FINANCE INVESTMENT COMPANY,
Rep. by Sri Vimal Kumar,
39, Thambu Samy Street,
Kilpauk, Chennai – 600 010.

...Petitioner

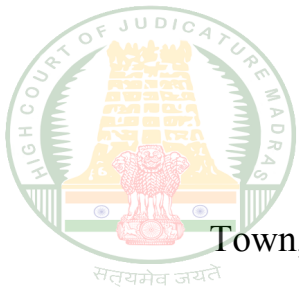
Vs.

1. M/s.AMRON ASSOCIATES,
Rep. by its Proprietor,
Sri Amit Goyal,
S/o. Sri Anand Kumar Goyal,
OCC: Business 7-3-87 to 89, Shop No.1 & 2,
Dharmashala Grain Bazar Sajjanlal Street,
Near Monda Market, Secunderabad – 500 003.

2. Sri Amit Goyal
S/o. Sri Anand Kumar Goyal,
OCC: Business 7-3-87 to 89, Shop No.1 & 2,
Dharmashala Grain Bazar Sajjanlal Street,
Near Monda Market, Secunderabad – 500 003.

... Respondents

PRAYER: Criminal Appeal is filed under Section 419 of the BNSS, 2023,
to call for the records and set aside the order passed in C.C.No.536 of 2021
on the file learned Metropolitan Magistrate Fast Track Court No.IV, George



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Town, Chennai dated 08.11.2024.

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For Petitioner : Mr.B.Thirumalai

ORDER

This Criminal Appeal has been preferred as against the order passed in C.C.No.536/2021 on the file of the learned Metropolitan Magistrate Fast Track Court No.IV, George Town, Chennai dated 08.11.2024, thereby dismissing the complaint for non-prosecution.

2. The appellant lodged a complaint against the respondent for the offence punishable u/s 138 of the Negotiable Instruments Act. The complaint was taken cognizance by the Trial Court in C.C.No.536/2021 on the file of the learned Metropolitan Magistrate Fast Track Court No.IV, George Town, Chennai. However, the appellant/complainant failed to appear before the trial court on 08.11.2024. Hence, the Trial Court dismissed the petition for non-prosecution.

3. Considering the facts and circumstances of the case, this Court is of the view that the appellant may be given with one more opportunity to put forth the complaint before the Trial Court, since the CC is of the year 2021.



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4. In view of the above, the order dated 08.11.2024 made in C.C.No.536/2021 on the file of the learned Metropolitan Magistrate Fast Track Court No.IV, George Town, Chennai is hereby set aside. The Trial Court is directed to issue fresh summons to the parties, proceed with the trial and dispose the same within a period of three months from the date of appearance of the parties on first notice. The appellant shall co-operate with the Trial Court for the expeditious disposal of the case.

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

06.08.2025

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

To

1. The Metropolitan Magistrate, Fast Track Court No.IV,
George Town, Chennai.

G.K.ILANTHIRAIYAN, J.



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