



Crl.A.No.646 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

Dated : 19.06.2025

CORAM

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

Crl.A.No.646 of 2025

Sri Santhosh Mahaveer Chit Funds (P), Ltd. Ooty,
Rep. by its Asst. Manager (Recovery) Mr.Naveen,
S/o. Mr.K.Manigandan,
151 A, Main Bazaar,Ootacamund,
The Nilgiris.
Residing at
8/57, Bembatty Village,
Ithalar Post,
The Nilgiris.

..... Appellant / Complainant

Vs

R.Shanker,
S/o. Raman (Late)
No.200 E, Ranga Vilas,
Kil Kodappamund,
Ootacamund, The Nilgiri.

.... Respondent/Accused

Prayer: Criminal Appeal filed under Section 378 of Criminal Procedure Code, 1973, to allow the appeal and set aside the judgment of acquittal passed in S.T.C.No.1985 of 2024 dated 12.03.2024 by the learned Judicial Magistrate Court, Udhagamandalam.

For Appellant : Mr.V.Sivakumar

**JUDGMENT**

WEB COPY

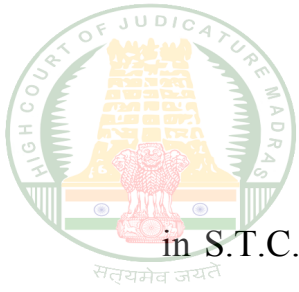
This Criminal Appeal has been preferred as against the judgment of acquittal passed in S.T.C.No.1985 of 2015 dated 12.03.2024 by the learned Judicial Magistrate Court, Udhagamandalam.

2. The appellant is the complainant and the respondent is the accused in the complaint lodged by the appellant for the offence punishable under Section 138 of Negotiable Instruments Act. However, the complainant failed to appear thereafter and did not file any application to condone his absence. Therefore, the Trial Court dismissed the complaint for default and acquitted the respondent of the offence under Section 138 of the Negotiable Instruments Act.

3. The learned counsel for the appellant submitted that the appellant may be granted with one final opportunity to put forth his case.

4. Considering the facts and circumstances of the case, this Court is of the opinion that one more opportunity may be given to the petitioner to prosecute the matter.

5. Accordingly, this Criminal Appeal is allowed and the judgment passed



Crl.A.No.646 of 2025

in S.T.C.No.1985 of 2015 dated 12.03.2024 on the file of the learned Judicial

WEB COPY

Magistrate Court, Udhagamandalam is hereby set aside. The Trial Court is directed to issue summons to the respondent, proceed with the trial and complete the same within a period of three months from the date of receipt of a copy of this order. The appellant shall co-operate with the Trial for the expeditious disposal of the case.

19.06.2025

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



WEB COPY

4



G.K.ILANTHIRAIYAN, J.

bkn

To

1.The Judicial Magistrate Court, Udhagamandalam.

Crl.A.No.646 of 2025

19.06.2025

4/4