



Crl.A.No.615 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2025

CORAM:

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

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N.S.Prakashwaran

... Appellant

Vs.

Jithendra.S

... Respondent

PRAYER: Criminal Appeal filed under Section 419(4) of BNSS, 2023, praying to call for the records in STC.No.20 of 2025 on the file of the Judicial Magistrate, Udhagamandalam and set aside the order dated 21.04.2025, acquitting the respondent herein of the offence under Section 138 of the Negotiable Instrument Act.

For Appellant : Mr.K.Balasubramaniam

JUDGMENT

This Criminal Appeal has been filed praying to set aside the judgment dated 21.04.2025 passed in STC.No.20 of 2025 on the file of the Judicial Magistrate, Udhagamandalam, thereby the respondent was acquitted of the offence under Section 138 of the Negotiable Instrument Act.

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



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perused, all the materials placed before this Court.

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3. On perusal of records, it is revealed that the appellant filed complaint for the offence under Section 138 of NI Act against the respondent. However, by order dated 21.04.2025, it was dismissed for non appearance of the appellant, thereby the respondent was acquitted. Even then, in order to give one more opportunity to the appellant, this Court is inclined to set aside the impugned judgment.

4. Accordingly, this criminal appeal is allowed and the judgment dated 21.04.2025 passed in STC.No.20 of 2025 on the file of the Judicial Magistrate, Udthagamandalam is set aside on condition that the appellant appears before the trial court on all hearings. Further, the trial court is directed to issue fresh summon to the respondent and proceed with the trial.

13.06.2025

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



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To

1.The Judicial Magistrate, Udhagamandalam



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G.K.ILANTHIRAIYAN, J.
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