



Crl.A.No.1105 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.07.2025

CORAM

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

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C.Senthil Kumar

... Appellant

Vs

B.C.Senthil Kumar

...Respondent

PRAYER : Criminal Appeal has been filed under Section 374(2) of Criminal Procedure Code, to set aside the judgment of the Judicial Magistrate Court No-1, Krishnagiri in S.T.C.No.483 of 2020 dated 21.03.2025 and to allow the Criminal Appeal and to convict the respondent/accused an offence under Section 138 of Negotiable Instruments Act.

For Appellant : Mr.T.Benny Ebenezer

JUDGMENT

This Criminal Appeal has been filed as against the order passed in S.T.C.No.483 of 2020 dated 21.03.2025 by the Judicial Magistrate Court No.1, Krishnagiri, thereby dismissing the complaint for default.

2. The appellant lodged a complaint as against the respondent for the offence punishable under Section 138 of Negotiable Instruments Act. It has been taken cognizance by the Trial Court and issued summons to the



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respondent. However, pending trial, on 21.03.2025, the petitioner was absent before the Trial Court and as such, the complaint was dismissed for default.

3. In order to give one more opportunity to the petitioner to put forth his case before the Trial Court, this Court is inclined to set aside the order passed by the Trial Court.

4. Accordingly, the order passed in S.T.C.No.483 of 2020 dated 21.03.2025 by the Judicial Magistrate Court No.1, Krishnagiri, is hereby set aside. S.T.C.No.483 of 2020 is remanded back to the Trial Court for fresh trial by issuing notice to the parties in accordance with law.

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

30.07.2025

Speaking order/Non-speaking order
Index :Yes/No
Internet :Yes/No
mn



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The Judicial Magistrate Court No-1,
Krishnagiri.



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G.K.ILANTHIRAIYAN, J.

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