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Crl.R.C.No.1196 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.07.2025

CORAM:

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

Crl.R.C.No.1196 of 2025

D.Swaminathan

.... Petitioner

Vs

Nalakath Rashi

.... Respondent

PRAYER: Criminal Revision Case is filed under Sections 438 & 442 of Bharatiya Nagarik Suraksha Sanhita, 2023, praying to set aside the Judgment dated 06.05.2025 passed in STC No.2792 of 2021 on the file of the XXVI Court of Metropolitan Magistrate, Egmore, Chennai.

For Petitioner : Mrs.Farheen Begum.SY

ORDER

This Criminal Revision Case has been filed challenging the order dated 06.05.2025 passed in STC No.2792 of 2021 by the learned XXVI Metropolitan Magistrate, Egmore, Chennai, thereby the petition filed by the petitioner was dismissed for default.

2. Heard the learned counsel appearing for the petitioner and perused the materials available on record.



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3. The petitioner is the complainant and the respondent is the accused in the complaint filed for the offence punishable under Section 138 of the Negotiable Instruments Act. The petitioner, who is aged about 62 years could not be represented on the date of hearing i.e., 06.05.2025, due to financial difficulties. Therefore, the Trial Court dismissed the complaint for default.

4. In view of the above facts and circumstances of the case, this Court is of the considered opinion that the petitioner deserves one more opportunity to put forth his case. Therefore, this Court is inclined to interfere with the order passed by the Trial Court.

5. Accordingly, the order dated 06.05.2025 passed in STC No.2792 of 2021 by the learned XXVI Metropolitan Magistrate, Egmore, Chennai, is hereby set aside. However, the Trial Court is directed to proceed with the matter and pass appropriate orders on merits and in accordance with law. The petitioner shall co-operate with the Trial Court by appearing on all dates of hearing.

6. In the result, this Criminal Revision Case stands allowed.



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

The XXVI Metropolitan Magistrate,
Egmore, Chennai,

G.K.ILANTHIRAIYAN, J.



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