



Crl.R.C.No.1531 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.08.2025

CORAM

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

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D.Swaminathan

... Revision Petitioner

Vs

Mr.Nalakath Rashid

...Respondent

PRAYER : Criminal Revision has been filed under Section 438 r/w 442 of BNSS, 2023, to set aside the judgement dated 06-05-2025 passed in STC.2793/2021 on the file of XXVI Court of Metropolitan Magistrate, Egmore, Chennai.

For Petitioner : M/s.Farheen Begum.SY

ORDER

This Criminal Revision Case has been preferred against the order dated 06-05-2025 passed in STC.2793 of 2021 on the file of XXVI Court of Metropolitan Magistrate, Egmore, Chennai, thereby dismissed the complaint for non-prosecution.

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

3. On perusal of the records, it is seen that the petitioner filed a



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private complaint for the offence under Section 138 of Negotiable Instruments

Act against the respondent/accused on the bounce of cheque for a sum of Rs.4,00,000/- and the same was taken cognizance by the Trial Court. While pending trial, the petitioner failed to appear before the Trial Court on 06.05.2025. Therefore, the complaint was dismissed as non-prosecution. In order to give an one more opportunity to the petitioner to putforth his case before the Trial Court, this Court is inclined to set aside the order dated 06-05-2025 passed in STC.2793 of 2021 on the file of XXVI Court of Metropolitan Magistrate, Egmore, Chennai.

4. Accordingly, the order dated 06-05-2025 passed in STC.2793 of 2021 on the file of XXVI Court of Metropolitan Magistrate, Egmore, Chennai is set aside and the Criminal Revision Case stands allowed. The matter is remanded back to the file of Trial Court for fresh trial. The Trial Court is directed to proceed with the trial after issuance of notice to both the parties and the petitioner is directed to co-operate with the trial.

22.08.2025

Speaking order/Non-speaking order

Index :Yes/No

Internet :Yes/No

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The XXVI Court of Metropolitan Magistrate, Egmore, Chennai



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G.K.ILANTHIRAIYAN, J.

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