



Crl.A.No.754 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.07.2025

CORAM

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

Crl.A.No.754 of 2025

M/S.Northern ARC Capital Limited,
Having Office at
10th Floor, Phase-I, IIT-Madras Research Park,
Kanagam Village, Taramani,
Chennai-600 113,
Represented by its Authorised Signatory,
Mr.N.K.Rinesh. Appellant

Vs

Shivam Medical Store
Rep by Mr.Ravi Vinodbhai Pedhadiya,
4-Shivnagar Co-Operative Housing Society,
Plot No.192, Grinland Chowkdi,
Rajkot-360003.
Also at Ravi Vinodhair Pedhadiya,
Shree Brahmani Park-I, Street No.3,
Morbi Road, Rajkot,
Gujarat-360003. Respondent

Prayer: Criminal Appeal filed under Section 419 of the Bharatiya
Nagarik Suraksha Sanhita, 2023, to allow the Criminal Appeal and set
aside the order passed in STC No.3216 of 2024 on the file of the XIII
Metropolitan Magistrate, Egmore, dated 04.06.2024.



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For Appellant : Mr.Ajmal Azaath
JUDGMENT

This Criminal Appeal has been preferred as against the order dated 04.06.2024 passed in STC No.3216 of 2024 on the file of the XIII Metropolitan Magistrate, Egmore, Chennai, thereby dismissing the complaint for default.

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

3. The appellant 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. Due to a change in the authorized signatory of the Company, there was no representation on the date of hearing viz., 04.06.2024. Therefore, the Trial Court dismissed the complaint for default.



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4. In view of the above, this Court is inclined to give one more opportunity to the appellant to proceed with the complaint.

5. In the light of the above discussions, the order dated 04.06.2024 passed in STC No.3216 of 2024 on the file of the XIII Metropolitan Magistrate, Egmore, Chennai, is hereby set aside. The Trial Court is directed to issue fresh summons to the accused and proceed with the trial in accordance with law. It is made clear that the appellant shall file an application for substitution of the authorized signatory within a period of one week from the date of receipt of a copy of this order.

6. In the result, this Criminal Appeal stands allowed.

02.07.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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G.K.ILANTHIRAIYAN, J.

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To

The XIII Metropolitan Magistrate,
Egmore, Chennai.

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