



Crl.A.No.829 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.07.2025

CORAM

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

Crl.A.No.829 of 2025

M/S Northern Arc Capital Ltd.,
Having Office at
10th Floor, phase-I, IIT-Madras Research Park,
Kanagam Village, Taramani,
Chennai 600113.
Represented by its Authorised Signatory,
Mr.Rinesh NK

.....

Appellant

Vs

Dinesh Hardware and Sanitary
Rep By Mr.S.Patni Dineshbhai S,
St Buss Stand Shop No.4,
Ashra Chambers Kankaria, Ahmedabad,
Gujarat-380022.
Also At
S.Patni Dineshbhai,
482 46, Laxmishankeracharyani,
Chali Shardaben Hosp Saraspur,
Ahmedabad-380018.

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Respondent

PRAYER : Criminal Appeal has been filed under Section 419 of Bharatiya Nagarik Suraksha Sanhita, 2023, praying to allow this Criminal Appeal and set aside the order passed in S.T.C.No.3236 of 2024 on the file of the XIII Metropolitan Magistrate, Egmore, dated 04.06.2024.



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For Appellant : Mr.M.Ajmal Azzath

JUDGMENT

This Criminal Appeal has been preferred as against the order dated 04.06.2024 passed in STC No.3236 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.

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



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5. In the light of the above discussions, the order dated 04.06.2024

passed in STC No.3236 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.

09.07.2025
(3/3)

Speaking order/Non-speaking order

Index :Yes/No

Internet :Yes/No

Lpp

To

The XIII Metropolitan Magistrate,
Egmore, Chennai.



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G.K.ILANTHIRAIYAN, J.
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