



Crl.A.No.939 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.07.2025

CORAM :

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

Crl.A.No.939 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.NK.Rinesh

... Appellant

Vs

Vishwa Die & Tool,
Rep. by its Mr.Hemant Ajit Sarkar,
95, Vijaykar Wadi, SV Road Malad W Near
Madhishir Bar N Restaurant,
Mumbai – 400 064.

Also at
Hemant Ajit Sarkar,
2, Khan Chawl N L Cross Road,
NR Andumber, Datta Mandir,
Malad (W), Mumbai – 400 064.

... Respondent

Prayer: Criminal Appeal filed under Section 419 of Bharatiya Nagarik Suraksha Sanhita Act, pleased to allow this Criminal Appeal and set aside the order passed in S.T.C.No.3240 of 2024 on the file of the XIII Metropolitan Magistrate, Egmore, dated 04.06.2024.



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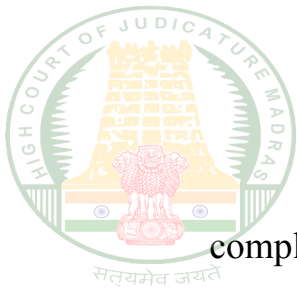
For Appellant : Mr.M.Ajmal Azzath

JUDGMENT

This Criminal Appeal has been preferred as against the order dated 04.06.2024 passed in S.T.C.No.3240 of 2024 on the file of learned XIII Metropolitan Magistrate, Egmore, Chennai, thereby dismissing the complaint.

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

3. The appellant lodged a complaint against the respondent for the offence punishable u/s 138 of the Negotiable Instruments Act (in short 'the NI Act'). The complaint was taken cognizance by the Trial Court in S.T.C.No.3240 of 2024. However, the appellant/complainant failed to appear before the trial court on 04.06.2024 and also failed to pay the process fee for issuing fresh summon to the respondent. Hence, the Trial Court dismissed the complaint and acquitted the respondent of the offence punishable u/s 138 of the NI Act. Therefore, this Court is of the view that the appellant may be given one more opportunity to putforth the



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complaint before the Trial Court, since the STC is of the year 2024.

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4. In view of the above, the order dated 04.06.2024 passed in S.T.C.No.3240 of 2024 on the file of the learned XIII Metropolitan Magistrate, Egmore, Chennai, is hereby set aside. The Trial Court is directed to issue summons to the parties, proceed with the trial and complete the same within a period of three (3) months from the date of receipt of a copy of this judgment. The appellant shall co-operate with the Trial Court for the expeditious disposal of the case.

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

16.07.2025
(3/4)

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

To

The XIII Metropolitan Magistrate,
Egmore, Chennai.



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G.K.ILANTHIRAIYAN, J.

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