



Crl.A.No.794 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2025

CORAM:

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

Crl.A.No.794 of 2025

M/s.Usha International Ltd.,
Rep. by its Sales Administration Head,
Madhavan

... Appellant

Vs.

1.AIM Enterprises,
Rep. by its Authorised Signatory,
Anand,
No.5, PV Vaithiyalingam Road,
Near (Vel's University),
Old Pallavaram,
Chennai 600 117
2.Anand

... Respondents

PRAYER: Criminal Appeal filed under Section 378 of Code of Criminal Procedure, to call for the records of the trial court and setting aside the order dated 12.08.2024 passed in CC.No.5875 of 2019 on the file of Metropolitan Magistrate, Fast Track Court – II, Egmore @ Allikulam.

For Appellant : M/s.J.Jothi



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JUDGMENT

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This criminal appeal has been preferred against the dismissal order of the complaint in CC.No.5875 of 2019 dated 12.08.2024.

2. Heard, the learned counsel appearing for the appellant and perused, all the materials placed before this Court.

3. On perusal of records, it is revealed that the appellant is the complainant and the respondents are the accused in the complaint lodged for the offence punishable under Section 138 of NI Act. On the date of hearing on 12.08.2024, the appellant was absent before the trial court. Further, the appellant failed to take any step to execute the warrant issued against the respondents. Therefore, the complaint was dismissed for default. However, this Court is inclined to give one more opportunity to the appellant to put forth their case.

4. In view of the above, the impugned order dated 12.08.2024 passed in CC.No.5875 of 2019 on the file of Metropolitan Magistrate, Fast Track Court – II, Egmore @ Allikulam is set aside. The trial court is directed to issue fresh summons to the respondents and proceed with the trial. It is made clear that the appellant shall cooperate for trial.



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5. With the above directions, this criminal appeal stands

allowed.

04.07.2025

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

1.Metropolitan Magistrate,
Fast Track Court – II, Egmore @ Allikulam.
2.Anand,
Authorised Signatory,
AIM Enterprises,
No.5, PV Vaithiyalingam Road,
Near (Vel's University),
Old Pallavaram,
Chennai 600 117



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G.K.ILANTHIRAIYAN, J.

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