



Crl.A.No.781 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated : 03.07.2025

CORAM

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

Crl.A.No.781 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 Authorized Signatory,
Mr.Rinesh NK

.....Appellant / Complainant

Vs

Santhosh Soap Factory,
Rep. by Mr.KannaiyalalKeshaji Prajapati
Plot No.13, Sub-Plot No.2,
Bharathiya Wadi Near Alkapuri Bridge
AK Road Surat,
Gujarat 395 008.

also at:
Kanaiyalal Keshaji Prajapati,
P No.59 FF Kalakunj Socie Kapodra
Vill Surat M Corp OG Part Tal Surat City
District Surat 395006.

.... Respondent/Accused



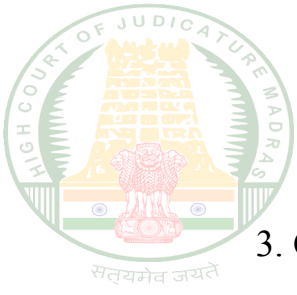
Prayer: Criminal Appeal filed under Section 419 of Bharatiya Nagarik Suraksha Sanhita, 2023, to allow this Criminal Appeal and set aside the order passed in STC No.3223 of 2024 on the file of the XIII Metropolitan Magistrate, Egmore dated 04.06.2024.

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.3223 of 2024 on the file of the XIII Metropolitan Magistrate, Egmore, thereby dismissing the complaint filed by the appellant.

2. The appellant lodged a complaint against the respondent for the offence punishable u/s 138 of the Negotiable Instruments Act. The complaint was taken cognizance by the Trial Court in S.T.C.No.3223 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 bailable warrant to the respondent. Hence, the Trial Court dismissed the complaint and acquitted the respondent.



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3. Considering the facts and circumstances of the case, this Court is of the view that the appellant may be given with one more opportunity to put forth the complaint before the Trial Court.

4. In view of the above, the order dated 04.06.2024 passed in STC No.3223 of 2024 on the file of the XIII Metropolitan Magistrate, Egmore is hereby set aside. The Trial Court is directed to issue fresh bailable warrant to the respondent and proceed with the trial. 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.

03.07.2025

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

To

XIII Metropolitan Magistrate, Egmore



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G.K.ILANTHIRAIYAN, J.

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