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CRL A No. 140 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-11-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

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PRAYER

To set aside the judgment of acquittal dated 26.08.2022 made in S.T.C.No. 77 of 2019 on the file of Learned Judicial Magistrate Court, Udthagamandalam, The Nilgiris Dt.

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ORDER

Challenging the impugned order passed by the Judicial Magistrate Court, Udthagamandalam, The Nilgiris District in S.T.C.No.77 of 2019, the Appellant preferred this Criminal Appeal.

2. Before the trial court, the appellant filed a complaint under Sec.190 AND 200 of Cr.P.C. for an offence punishable under Sec.138 of Negotiable Instruments Act in S.T.C.No.77 of 2019. But, due to her non-appearance, the



trial court dismissed the complaint. Challenging the said findings, now the appellant preferred this Criminal Appeal.

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3. The learned counsel for appellant argues that due to lack of communication, she is not able to appear on the date of hearing and since she is aged about 50 years, she is not able to follow the proceedings. However, she is having valid defence to prove her case, but the opportunity was not given by the trial court. Hence, he prayed to set aside the findings rendered by the trial court.

4. Heard and considered submissions made by learned counsel for appellant and perused materials available on record.

5. Considering his submissions, the fact reveals that due to lack of communication as well as due to her old age, she is not able to follow the proceedings and not able to appear on the date of hearing, but the trial court erroneously dismissed the complaint as such is liable to be set aside. Therefore, to give one more opportunity, this Court is inclined to set aside the findings rendered in S.T.C.No. 77 of 2019 on the file of Judicial Magistrate Court, Udthagamandalam, The Nilgiris District and to restore the complaint. The trial court is also directed to issue fresh notice to the respondent and dispose the same within a period of four months from the date of receipt of copy of this order. Accordingly, this Criminal Appeal is disposed of. However, the petitioner is directed to cooperate with the proceedings before the trial court.



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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

Judicial Magistrate Court, Udhagamandalam, The Nilgiris Dt.



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