



CRL.A.No.1423 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2025

CORAM

THE HONOURABLE MR. JUSTICE T.V.THAMILSELVI

CRL.A.No.1423 of 2025

G.A.Murugesan

... Appellant

Vs

Mr.P.Chandrasekaran

...Respondent

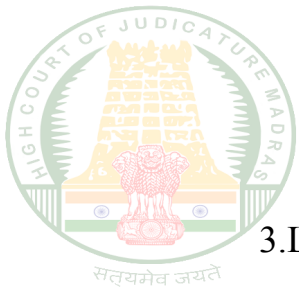
PRAYER : Criminal Appeal filed under Section 378 of Cr.P.C., to call for the records relating to the acquittal judgment in C.C.No.501 of 2020 passed by the Learned Judicial Magistrate Fast Track Court No.1 @ ML at Coimbatore dated 12.01.2024 and set aside the same.

For Appellant : Mr.B.Nedunzhelian

JUDGMENT

This Criminal Appeal has been filed as against the judgment in C.C.No.501 of 2020 passed by the learned Judicial Magistrate, Fast Track Court No.1, Coimbatore dated 12.01.2024 and to set aside the same.

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



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3.Learned counsel appearing for the appellant would submit that the appellant is aged 72 years filed a case for the offence under section 138 of the Negotiable Instruments Act and he was examined as PW1. On the date of cross examination, the petitioner was not properly communicated by his erstwhile counsel and due to non-communication, he was not able to appear before the Trial Court on that date and hence the Trial Judge held that under section 256 Cr.P.C., dismissed the petition for non-prosecution and acquitted the accused. He would further submit that though the respondent cheated Rs.3,00,000/- and he is having valid defence, the Trial Court dismissed the case.

4.Considering the above facts and circumstances and also the age of the appellant, this Court is inclined to grant one more opportunity to the petitioner.

5.In view of the above, the findings of the Trial Judge in C.C.No.501 of 2020 is hereby set aside and the Criminal Appeal stands allowed.

22.09.2025

Speaking order/Non-speaking order

Index :Yes/No

Internet :Yes/No

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The Judicial Magistrate,
Fast Track Court No.1, Coimbatore.



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T.V.THAMILSELVI, J.

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