



Crl.A.No.868 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.07.2025

CORAM :

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

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P.Devi

... Appellant

Vs

C.Sangeetha

... Respondent

Prayer: Criminal Appeal filed under Section 419 of Bharatiya Nagarik Suraksha Sanhita Act, pleaded to set aside the order dated 02.08.2024 in C.C.No.396 of 2019 on the file of Judicial Magistrate Fast Track Court No.1 @ ML, Coimbatore.

For Appellant : Mr.R.Rajarajan

JUDGMENT

This Criminal Appeal has been preferred as against the order dated 02.08.2024 passed in C.C.No.396 of 2019 on the file of learned Judicial Magistrate, Fast Track Court No.1 @ ML, Coimbatore, thereby dismissing the complaint.

2. Heard the learned counsel appearing for the appellant and also



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perused the materials available on record.

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3. The appellant is the complainant, who lodged a complaint as against the respondent for the offence punishable under Section 138 of the Negotiable Instruments Act. The complaint was taken cognizance by the Trial Court in C.C.No.396 of 2019. However, the complainant failed to appear before the trial court from 20.05.2024 and did not file any application to condone her absence. Further, the complainant failed to take any effective steps to issue notice to the respondent as ordered by the trial court on 06.12.2021. Therefore, the Trial Court dismissed the complaint for default and acquitted the respondent for the offence punishable under Section 138 of the Negotiable Instruments Act. Therefore, this Court is of the view that the appellant may be given one more opportunity to putforth her complaint before the Trial Court, since the CC is of the year 2019.

4. In view of the above, the Judgment dated 02.08.2024 passed in C.C.No.396 of 2019 on the file of the Judicial Magistrate, Fast Track Court No.1 @ ML, Coimbatore, is hereby set aside. The Trial Court is directed to issue summons to the respondent, proceed with the trial and



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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.

11.07.2025

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

To

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



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G.K.ILANTHIRAIYAN, J.

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