



Crl.A.No.971 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.07.2025

CORAM :

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

Crl.A.No.971 of 2025

Chinna Kulanthai

Bakkiyaraj (Died)

... Appellant

Vs

Elumalai

... Respondent

Prayer: Criminal Appeal filed under Section 419 of Bharatiya Nagarik Suraksha Sanhita Act, pleaded to set aside the order passed by the Court of Judicial Magistrate, Chengam, Tiruvannamalai District in C.C.No.13 of 2023 dated 27.08.2024 and restore and proceed in according with law.

For Appellant : Mr.R.S.Govarthan

JUDGMENT

This Criminal Appeal has been preferred as against the order dated 27.08.2024 passed in C.C.No.13 of 2023 on the file of learned Judicial Magistrate, Chengam, Tiruvannamalai, thereby dismissing the complaint for default.



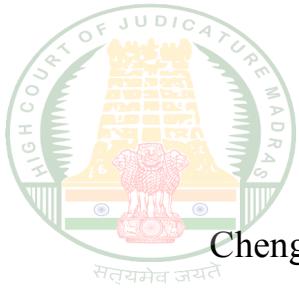
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2. Heard the learned counsel appearing for the appellant and also perused the materials available on record.

3. The appellant's son one Bakkiyaraj had lodged a complaint against the respondent for the offence punishable u/s 138 of the Negotiable Instruments Act (in short 'the NI Act'). The complaint was taken cognizance by the Trial Court in C.C.No.13 of 2023. Since the complainant died on 22.05.2023, there was no representation on the date of hearing viz., 27.08.2024. Hence, the Trial Court dismissed the complaint for default.

4. Considering the fact that now, the father of the complainant filed this appeal and willing to continue the prosecution as against the respondent, this Court is of the view that the appellant may be given one more opportunity to putforth the complaint before the Trial Court, since the CC is of the year 2024.

5. In view of the above, the order dated 27.08.2024 passed in C.C.No.13 of 2023 on the file of the learned Judicial Magistrate,



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Chengam, Tiruvannamalai District, is hereby set aside. The Trial Court is directed to issue summons to the parties, proceed with the trial and 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.

6. In the result, this Criminal Appeal stands allowed.

16.07.2025
(2/2)

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

To

The Judicial Magistrate,
Chengam, Tiruvannamalai District.



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G.K.ILANTHIRAIYAN, J.

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