



WEB COPY



Crl.A.No. 92 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :25.11.2025

CORAM:

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Crl.A.No.92 of 2025

G. Velukannan Scaffolding Contractor,
represented by its proprietor,
G. Velukannan,
having office at 29/11, Brewery Road,
Henoy Nagar, Chennai – 600 030

... Appellant(s)

Vs.

1. V.Y.P. Construction
Power Associates 7/84-1,
Kamarajar Nagar, Servaikaranmadam,
Tuticorin – 628 103.

2. Jacob Jabestin,
M/s. V.Y.P. Construction,
S/o. Vethamuthu, 1 H/1122,
2nd Street, Bharathi Nagar,
Thoothukkudi, Tamilnadu – 628 008

... Respondent(s)



Crl.A.No. 92 of 2025

WEB COPY

PRAYER: Criminal Appeal filed under Section 419 of the BNSS to aside the order dated 27.08.2024 made in S.T.C. No.8044 of 2024 on the file of the Metropolitan Magistrate, FTC-II, Allikulam. Egmore, Chennai.

For Appellant : Mr.P.V. Murugan

For Respondent : Returned
Either served or unserved for R1 & R2

JUDGMENT

The Criminal Appeal filed under Section 419 of the BNSS to aside the order dated 27.08.2024 made in S.T.C. No.8044 of 2024 on the file of the Metropolitan Magistrate, FTC-II, Allikulam. Egmore, Chennai.

2. The learned counsel for the petitioner would submit that since the petitioner was illness during the hearing, he could not appear before the Trial Court at the time of calling, even though he was present before calling for the hearing in the Trial Court. Despite he filed a memo to that effect, the Trial Court dismissed the complaint and acquitted the respondent from the case. Hence, this appeal.



Crl.A.No. 92 of 2025

WEB COPY

3. On a perusal of the records, it is seen that even though Court notice sent to the respondent is returned unserved, private notice has been served on him. However, no representation for the respondent. Further, the complaint of the petitioner has been dismissed only for non-prosecution of the petitioner due to his illness, reason justifiable, hence, this Court deems it fit to direct the Trial Court to restore the case for hearing for final disposal.

4. Accordingly, this Criminal Appeal is allowed. No costs.

25.11.2025

Lbm

Index : Yes/No

Neutral citation : Yes/No

Speaking/non-speaking order

To:

1. The Metropolitan Magistrate,

FTC-II, Allikulam. Egmore, Chennai.

3. The Public Prosecutor,

Madras High Court, Chennai.



WEB COPY



Crl.A.No. 92 of 2025

T.V.THAMILSELVI, J.

Lbm

Crl.A.No.92 of 2025

25.11.2025