



Crl.A.No.1090 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated : 29.07.2025

CORAM

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

Crl.A.No.1090 of 2025

M/s.Gem Edible Oils Pvt. Ltd.,
No.5/221, Kovai Road, Kariampalayam PO,
Annur – 641 653, Coimbatore Dt,
Represented by its General Manager,
Mr.Mohan Raj

.....

Appellant

Vs

S.Suresh

Rep. to be the Proprietor & Authorized Signatory of
M/s.padmashri Oil Refineries,
Door No.3/180A, Sathya Nagar,
Arni Road, Taipura Village,
Arcot, Vellore District.

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Respondent

Prayer: Criminal Appeal filed under Section 419(4) BNSS to grant special leave to prosecute the above appeal before this Court against the order of acquittal dated on 29.07.2024 made in C.C.No.1797/2018 on the file of the Judicial Magistrate, FTC II, @ ML., Coimbatore.

For Appellant : Mr.V.Saranraj
for Eswar, Kumar and Co Law Firm



JUDGMENT

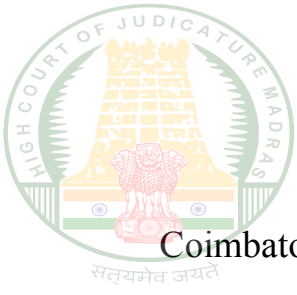
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This appeal has been preferred as against the order of acquittal dated on 29.07.2024 made in C.C.No.1797/2018 on the file of the Judicial Magistrate, FTC II, @ ML., Coimbatore, thereby dismissing the complaint.

2. The appellant lodged a complaint against the respondent for the offence punishable u/s 138 of the Negotiable Instruments Act. The complaint was taken cognizance by the Trial Court in C.C.No.1797/2018. However, the appellant/complainant failed to appear before the trial court on 29.07.2024 also failed to pay the warrant process. Hence, the Trial Court dismissed the complaint and acquitted the respondent of the offence punishable u/s 138 of the NI Act.

3. Considering the facts and circumstances of the case, this Court is of the view that the appellant may be given with one more opportunity to put forth the complaint before the Trial Court, since the CC is of the year 2018.

4. In view of the above, the order 29.07.2024 made in C.C.No.1797/2018 on the file of the Judicial Magistrate, FTC II, @ ML.,



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Coimbatore, is hereby set aside. The Trial Court is directed to issue fresh summons to the parties and proceed with the trial. 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.

29.07.2025

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

To:

1.The Judicial Magistrate, FTC II, @ ML., Coimbatore



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G.K.ILANTHIRAIYAN, J.

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