



Crl.R.C.No.229 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.07.2025

CORAM:

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

Crl.R.C.No.229 of 2025

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... Petitioner

Vs.

M/s. Lakshmi Constructions,
Proprietor S.Ramu,
Flat No.402, C-2 Block,
4th Floor,
Vanjinathan Street,
SSM Nagar, Perungalathur,
Chennai – 600 063.

... Respondent

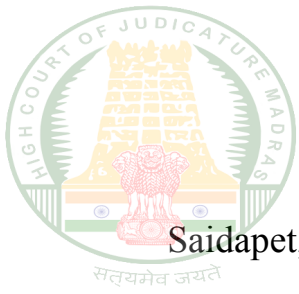
PRAYER: Criminal Revision has been filed under Section 438 r/w 442 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying to set aside the order of dismissal in S.T.C.No.1095 of 2023 on the file of the Court of Metropolitan Magistrate, FTC-III, Saidapet, Chennai-15, dated 14.06.2024.

For Petitioner : Mr.P.Muthamizhselvakumar

For Respondent : No appearance

ORDER

This Criminal Revision has been preferred challenging the order dated 14.06.2024 passed by the learned Metropolitan Magistrate, FTC-III,



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Saidapet, Chennai, in S.T.C.No.1095 of 2023, thereby dismissing the complaint filed by the petitioner for the offence punishable under Section 138 of the Negotiable Instruments Act (hereinafter referred to as “the NI Act”), for non prosecution.

2. The petitioner lodged complaint as against the respondent for the offence punishable under Section 138 of the NI Act and the same was taken cognizance in S.T.C.No.1095 of 2023 on the file of the learned Metropolitan Magistrate, FTC-III, Saidapet, Chennai. While pending trial, the petitioner was not present before the trial Court. Further the petitioner also failed to pay process fees for summoning the respondent. Therefore, the trial Court dismissed the complaint for non prosecution. Aggrieved by the same the present revision case.

3. Heard the learned counsel appearing for the petitioner and perused the materials placed before this Court. Though notice served on the respondent, no one is appeared on behalf of the respondent either by person or through pleader.



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4. Considering the above facts and circumstances, in order to give one more opportunity to the petitioner to pursue his complaint, this Court is inclined to allow this revision. Accordingly, the order dated 14.06.2024 passed by the learned Metropolitan Magistrate, FTC-III, Saidapet, Chennai, in S.T.C.No.1095 of 2023, is hereby set aside and the matter is remanded back to the trial Court. The trial Court viz., learned Metropolitan Magistrate, FTC-III, Saidapet, Chennai, is directed to proceed with the trial afresh and also dispose the same on merits and in accordance with law, after issuance of notice to the parties.

5. Accordingly, the Criminal Revision Case stands allowed.

29.07.2025

Internet: Yes
Index: Yes/No
Speaking/Non speaking order
rts

To
1. The Metropolitan Magistrate,
FTC-III, Saidapet, Chennai.



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G.K.ILANTHIRAIYAN. J,

rts

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