



Crl.A.No.1117 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.07.2025

CORAM

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

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V.Sundaraj

... Appellant

Vs

S.Palanikumar

...Respondent

PRAYER : Criminal Appeal has been filed under Section 378 of Criminal Procedure Code, to set aside the order of dismissal for non appearance of the complainant dated 14.12.2023 made in CC.No.249 of 2012 on the file of the Judicial Magistrate, Arakkonam, Vellore District by allowing this Criminal Appeal and further direct the learned Judicial Magistrate, Arakkonam to restore CC.No.249 of 2012 on the file of the Judicial Magistrate, Arakkonam and to decide the case on merits.

For Appellant : Mr.V.S.Jagadeesan

JUDGMENT

This Criminal Appeal has been filed as against the order passed in CC.No.249 of 2012 dated 14.12.2023 by the Judicial Magistrate, Arakkonam, Vellore District, thereby dismissing the complaint for default.

2. The appellant lodged a complaint as against the respondent. It has



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been taken cognizance by the Trial Court and issued summons to the respondent. However, pending trial, on 14.12.2023, the petitioner was absent before the Trial Court and as such, the complaint was dismissed for default.

3. In order to give one more opportunity to the petitioner to put forth his case before the Trial Court, this Court is inclined to set aside the order passed by the Trial Court.

4. Accordingly, the order passed in CC.No.249 of 2012 dated 14.12.2023 by the Judicial Magistrate, Arakkonam, Vellore District, is hereby set aside. CC.No.249 of 2012 is remanded back to the Trial Court for fresh trial by issuing notice to the parties in accordance with law.

5. In the result, this Criminal Appeal is allowed.

30.07.2025

Speaking order/Non-speaking order

Index :Yes/No

Internet :Yes/No

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To

The Judicial Magistrate,
Arakkonam, Vellore District.



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G.K.ILANTHIRAIYAN, J.

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