



Crl.A.No.870 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.07.2025

CORAM :

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

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P.Sankaranarayanan

... Appellant

Vs

M.Muniyan

... Respondent

Prayer: Criminal Appeal filed under Section 419 of Bharatiya Nagarik Suraksha Sanhita Act, pleaded to set aside the order of acquittal dated 06.08.2024 passed by the learned Judicial Magistrate – II, Cuddalore in S.T.C.No.283 of 2017.

For Appellant : Mr.D.Baskar

JUDGMENT

This Criminal Appeal has been preferred as against the order dated 06.08.2024 passed by the learned Judicial Magistrate – II, Cuddalore in S.T.C.No.283 of 2017, thereby dismissing the complaint.

2. Heard the learned counsel appearing for the appellant and also



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perused the materials available on record.

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3. The appellant is the complainant, who lodged a complaint as against the respondent for the offence punishable under Section 138 of the Negotiable Instruments Act. The complaint was taken cognizance by the Trial Court in S.T.C.No.283 of 2017. However, there was no appearance for the appellant on the date of hearing viz., 06.08.2024. Therefore, the Trial Court dismissed the complaint for default and acquitted the respondent for the offence punishable under Section 138 of the Negotiable Instruments Act. Therefore, this Court is of the view that the appellant may be given one more opportunity to putforth his complaint before the Trial Court, since the STC is of the year 2017.

4. In view of the above, the order dated 06.08.2024 passed in S.T.C.No.283 of 2017 on the file of the learned Judicial Magistrate No.II, Cuddalore, is hereby set aside. The Trial Court is directed to issue summons to the respondent, 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.



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WEB COPY 5. In the result, this Criminal Appeal stands allowed.

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

To

The Judicial Magistrate No.II,
Cuddalore.



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G.K.ILANTHIRAIYAN, J.

sp

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