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CRL A No. 1528 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-10-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL A No. 1528 of 2025

A.Nathan

S/o.Anthony, No.158, Singanna Chetty
Stret, Chintradripet, Chennai - 600 002.

Appellant(s)

Vs

S.Premkumar

S/o.Subramanian, No.6/31, Pazhani
Aandavar Kovil Street, villivakkam,
Chennai - 600 049.

Respondent(s)

PRAYER

To call for the records and to set aside the order of dismissal dated 01.07.2024 in CC.No.8312 of 2018 by the Learned Judge FTC-II, Allikulam, at Egmore , Chennai

For Appellant:

Mr. J.Vijayakumari



ORDER

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Challenging the impugned order passed by the Fast Track Court-II, Allikulam @ Egmore, Chennai in C.C.No.8312 of 2018, the Appellant preferred this Criminal Appeal.

2. Before the trial court, the appellant filed a complaint under Sec.190(1)(a) of Cr.P.C. for an offence punishable under Sec.138 of Negotiable Instruments Act in C.C.No.8312 of 2018. But, due to his non-appearance, the trial court dismissed the complaint. Challenging the said findings, now the appellant preferred this Criminal Appeal.

3. The learned counsel for appellant argues that as he is aged about 70 years, he is not able to follow the proceedings. However, he is having valid defence to prove his case, but the opportunity was not given by the trial court. Hence, he prayed to set aside the findings rendered by the trial court.

4. Heard and considered submissions made by learned counsel for appellant and perused materials available on record.

5. Considering his submissions, the fact reveals that due to his old age, he is not able to follow the proceedings, but the trial court erroneously dismissed



the complaint as such is liable to be set aside. Therefore, to give one more opportunity, this Court is inclined to set aside the findings of trial judge in C.C.No. 8312 of 2018 on the file of Fast Track Court-II, Allikulam @ Egmore, Chennai. Accordingly, this Criminal Appeal is allowed. However, the petitioner is directed to cooperate with the proceedings before the trial court.

06-10-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

Fast Track Court-II, Allikulam @ Egmore, Chennai.



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T.V.THAMILSELVI J.

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