



Crl.A.No.1098 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.1098 of 2025

S.V.S.Rajkumar

.....

Appellant

Vs

S.Singaravelu

.....

Respondent

Prayer: Criminal Appeal filed under Section 413 of BNSS, 2023, to set aside the order dated 20.09.2024 passed by the learned Metropolitan Magistrate of the Fast Track Court No.IV, George Town, Chennai in C.C.No.3012 of 2016 dismissed the compliant for non-prosecution u/s. 279 of BNSS and remit the case to the trial Court by directing the trial Court to give an opportunity to the appellant to prosecute the case.

For Appellant : Mr.K.M.Balaji

JUDGMENT

This appeal has been preferred as against the order dated 20.09.2024 passed by the learned Metropolitan Magistrate of the Fast Track Court No.IV, George Town, Chennai in C.C.No.3012 of 2016 thereby dismissing the



complaint for non-prosecution.

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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.3012 of 2016. However, the appellant/complainant failed to appear before the trial court on 20.09.2024. Hence, the Trial Court dismissed the complaint for non-prosecution and acquitted the respondent for 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 2016.

4. In view of the above, the order dated 20.09.2024 passed by the learned Metropolitan Magistrate of the Fast Track Court No.IV, George Town, Chennai in C.C.No.3012 of 2016, is hereby set aside. The Trial Court is directed to issue fresh summons to the parties, proceed with the trial. The appellant shall co-operate with the Trial Court for the expeditious disposal of the case.



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5. In the result, this Criminal Appeal stands allowed. The trial Court is directed to dispose C.C.No.3012/2016 on merits and in accordance with law, within a period of three months from the date of receipt of a copy of this order.

29.07.2025

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

To:

1. The Metropolitan Magistrate, Fast Track Court No.IV, George Town,
Chennai



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G.K.ILANTHIRAIYAN, J.

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