



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-09-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL RC No. 1789 of 2025

1. G.Prasanth

S/o.V.Gopalraja, Residing at No.437,
17th Cross, 25th Street, Vallalar
Sathuvachari, Vellore

Petitioner(s)

Vs

1. K.Chintulal

S/o.N.Kandhilal, No.3, Kambar Street,
Tharapadavedu , Katpadi, Vellore
District Now residing at No.683/1,3rd
Main Road, Phase-2, Sathuvachari,
Vellore-09

Respondent(s)

CRL RC No. 1789 of 2025

PRAYER

To setaside the order passed in STC.No.270 of 2013 dated 17.06.2023 on the file of the Learned FTC Judicial Magistrate at Vellore and remand the matter back to the trial court for disposal on merits



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For Petitioner(s): M/s.V.Sakthivel
R.Sachithanandan

For Respondent:

ORDER

This petition has been filed to set aside the order passed in STC.No.270 of 2013 dated 17.06.2023 on the file of the Learned FTC Judicial Magistrate at Vellore.

2. The learned counsel for the petitioner submits that the petitioner has filed the complaint under Section 138 of Negotiable Instrument Act, in STC.No.270 of 2013, on the file of the Learned FTC Judicial Magistrate at Vellore. By an order dated 17.06.2023, the Trial Court dismissed the complaint for default. Aggrieved by the same, the petitioner filed this Revision.

3. The learned counsel for the petitioner submits that non appearance of the petitioner is neither wilful nor wanton due to bonafide reason beyond his control the petitioner was absent on that day. Further, he relied the ratio laid down by the Hon'ble Supreme Court, in the case of *Associated Cement Co. Ltd. Vs. Keshavanand*, reported in 1998 9 SCC (687) once process is issued, dismissal of the complaint for default is impermissible and contrary to law.



Hence, he seeks one more opportunity to prove his case.

4. Considering the facts and circumstance of the case, this Court is inclined to grant one more opportunity to the petitioner to prove his case.

Accordingly, the order passed in STC.No.270 of 2013, dated 17.06.2023, by the Learned FTC Judicial Magistrate, Vellore, is set aside.

5. In the result, this Criminal Revision Case is allowed.

22-09-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

The FTC Judicial Magistrate at Vellore.



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T.V.THAMILSELVI J.

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