



Crl.A.No.14 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated : 02.04.2025

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

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M/s.E.I.D.Parry (India) Limited,
Rep. by its Senior Manager Sales Chain,
Mr.S.Arivarasan,
Regd Office at “Dare House”,
No.234, NSC Bose Road,
Parrys, Chennai – 600 001.

...Appellant

-Vs-

VKRT Agencies,
Represented by its Proprietor,
Mr.Ramkumar S/o.Thiyagarajan,
No.17, New Colony,
Tuticorin – 628 003.

...Respondent

Prayer: Criminal appeal filed under Section 378(4) Cr.P.C. to call for the records in S.T.C.No.4471 of 2022 on the file of the Court of Metropolitan Magistrate (Fast Track-II) Egmore at Allikulam, Chennai, and to set aside the order of dismissal of complaint and acquittal of the respondent, dated 13.09.2024.

For Appellant : Mr.R.Baskar



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For Respondent : No Appearance

JUDGMENT

This criminal appeal is filed by the complainant against the order of dismissal of compliant and acquittal of respondent/accused passed by the learned Metropolitan Magistrate, Fast Track Court-II, Egmore @ Allikulam, Chennai, in S.T.C.No.4471 of 2022, dated 13.09.2024.

2 Learned counsel for the appellant/complainant would submit that the respondent/accused had not appeared before the trial Court and hence NBW was issued and the same is pending. The petitioner/complainant, could not present on one occasion, for which, the learned Magistrate without even issuing notice to the petitioner/complainant, dismissed the compliant under Section 256 Cr.P.C. and acquitted the accused, which is against the law.

3 Even though, notice served and name of the respondent also



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being printed in the cause list, none appeared on behalf of the respondent/accused.

4 The appellant is the complainant and respondent is an accused. The appellant filed complaint against the respondent under Section 200 Cr.P.C. for the offence under Section 138 of Negotiable Instruments Act, which was taken on file in S.T.C.No.4471 of 2022 by the learned Metropolitan Magistrate, Fast Track Court – II, Egmore @ Allikulam, Chennai. The said complaint was dismissed by the learned Metropolitan Magistrate under Section 256 Cr.P.C. for non appearance of the petitioner/complainant.

5 A perusal of the order passed by the learned Metropolitan Magistrate reveal that there is no observation whether the appellant/complainant was put in notice before dismissing the complaint under Section 256 Cr.P.C. Therefore this Court is inclined to set aside the order of the learned Metropolitan Magistrate.



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Accordingly, the order of the learned Metropolitan Magistrate, Fast Track Court II, Egmore @ Allikulam, Chennai, in S.T.C.No.4471 of 2022 dated 13.09.2024, is hereby set aside and the matter is remitted back to the learned Metropolitan Magistrate. The learned Metropolitan Magistrate is directed to issue notice to both the parties and dispose of the complaint on merit in accordance with law.

7 With the above directions, the Criminal Appeal stands allowed.

02.04.2025

Index : Yes/No
Speaking Order/Non Speaking Order
cgi

To

The Metropolitan Magistrate (Fast Track-II),
Egmore at Allikulam, Chennai.



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P.VELMURUGAN, J.,
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