



Crl.A.No.1087 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

Dated : 29.07.2025

CORAM

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

Crl.A.No.1087 of 2025

M/s.Dynamic Power Service Generator

Rep. by its partner Mr.A.Ashok,

S/o. Anandan,

For Hire 15 KVA to 1500 KVA,

having office at

No.39, Elango Salai,

Teynampet,

Chennai – 600 018.

.....

Appellant

Vs

1. M/s.4 You Facilities Management Service Pvt., Ltd.,

Rep. by its Director / Authorised Signatory

Mr.Dhatchnamorthi Nageswaran

No.82, Ekambaram Naicker Industrial Estate,

Alapakkam,

Chennai – 600 116.

2. Mr.Dharchnamorthi Nageswaran,

Director / Authorised Signatory,



M/s.4 You Facilities Management Service Pvt. Ltd.,
No.82, Ekambaram Naicker Industrial Estate,
Alapakkam,
Chennai – 600 116.

3. Mr.Adhiraj Purushothaman, Director,
M/s.4 You Facilities Management Service Pvt. Ltd.,
No.82, Ekambaram Naicker Industrial Estate,
Alapakkam,
Chennai – 600 116.

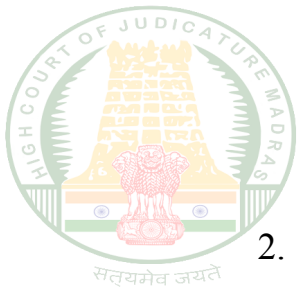
..... Respondents

Prayer: Criminal Appeal filed under Section 413 of BNSS, 2023, to set aside the order dated 26.07.2024 passed by the learned Metropolitan Magistrate of the Fast Track Court No.III, Saidapet, Chennai in S.T.C.No.1907 of 2023 dismissed the complaint for non-prosecution and remit the case to the trial Court by directing the trial Court to give an opportunity to the appellant to prosecute his case.

For Appellant : Mr.K.M.Balaji

JUDGMENT

This appeal has been preferred as against the order passed in passed in S.T.C.No.1907 of 2023 by the learned Metropolitan Magistrate of the Fast Track Court No.III, Saidapet, Chennai thereby dismissing the complaint for default.



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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 S.T.C.No.1907 of 2023. However, the appellant/complainant failed to appear before the trial court on 26.07.2024 and also failed to pay the process fee for issuing fresh summon to the respondents. Hence, the Trial Court dismissed the complaint and acquitted the respondents of 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 STC is of the year 2023.

4. In view of the above, the order dated 26.07.2024 passed by the learned Metropolitan Magistrate of the Fast Track Court No.III, Saidapet, Chennai in S.T.C.No.1907 of 2023 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.



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

29.07.2025

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



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WEB COPY To:

1.The Fast Track Court No.III, Saidapet, Chennai.



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G.K.ILANTHIRAIYAN, J.

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