



Crl.M.P.No.3795 of 2025
in Crl.A.No.473 of 2017

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-03-2025

CORAM

THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL MP No. 3795 of 2025

AND

CRL A NO. 473 OF 2017

Mr.P.Marappan
S/o.Ponappa Gounder, 214/5,
Vinayagar Kovil 2nd Street,
Mulappalayam, Erode-2.

Petitioner(s)

Vs

Mr.M.Chinnasamy
S/o.Muthusamy Gounder, Shree
Amman Dyeing Works,
Govindhanayakanpalayam,
Kumaraivalasu (post),
Thuyampoonthurai (village),
Erode Taluk

Respondent(s)

Prayer: Criminal Miscellaneous Petition filed under Section 528 of BNSS, praying to restore the Crl.A.No.473 of 2017, order dated 22.06.2023, which was dismissed for non prosecution.

For Petitioner(s): Mr.C.Vidhusan

For Respondent(s): Mr. P. Palaninathan



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ORDER

It is seen that the appeal was dismissed by this Court for non prosecution and not on merits. Further in the order dated 22.06.2023, this Court recorded that the appellant is not precluded from applying for revival of the Criminal Appeal, if necessary. Hence, the above petition is filed.

2.The learned counsel for the respondent/accused is present. He has got no objection in ordering the above petition. In view of the same, the impugned order dated 22.06.2023 passed in Crl.A.No.473 of 2017 **is hereby set aside and the appeal is restored on the file of this Court.**

3.The learned counsel for the petitioner/complainant submitted that the petitioner filed a private complaint in S.T.C.No.705 of 2014 under Section 138 of the Negotiable Instruments Act against the respondent. The trial Court by the judgment dated 03.11.2016, convicted the respondent and sentenced him to undergo nine months simple imprisonment and directed to



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pay the cheque amount of Rs.15 lakhs as compensation, against which, the respondent preferred an appeal before the Sessions Court in C.A.No.198 of 2016. The learned Sessions Judge, by the judgment dated 16.03.2017, allowed the appeal setting aside the conviction and sentence passed by the trial Court, against which, the petitioner had preferred the above appeal.

4.The learned counsel for respondent/accused submitted that the Lower Appellate Court allowed the appeal on the ground of petitioner's financial capability.

5.Post the Criminal Appeal on 27.03.2025 under the caption 'For Final Hearing'.

06.03.2025

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M. NIRMAL KUMAR, J.

rsi

To:

- 1.The Judicial Magistrate,
Fast Track Court No.I, Erode.
- 2.The II Additional Sessions Judge,
Erode.
- 3.The Section Officer,
Criminal Section,
High Court, Madras.

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