



Crl.A.No.691 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.06.2025

CORAM:

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

Crl.A.No.691 of 2025

C.B.Mohan

... Appellant

Vs

R.Ganesh
Proprietor,
M/s.Magic Box Films,
Shanthi Towers, 6th Block,
8-D, No.88, Arcot Road,
Vadapalani, Chennai – 600 026.

... Respondent

Prayer: Criminal Appeal filed under Section 419(4) of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records of the case in STC No.7788 of 2024 on the file of the learned Metropolitan Magistrate, Fast Track Court No.II, Egmore @ Allikulam, Chennai, set aside the judgment of acquittal dated 19.09.2024.

For Appellant : Mr.B.Vasanthan

JUDGMENT

This Criminal Appeal has been filed challenging the Judgment dated 19.09.2024 passed in STC No.7788 of 2024 on the file of the Metropolitan Magistrate, Fast Track Court No.II, Egmore @ Allikulam, Chennai, thereby



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dismissing the complaint.

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2. Heard the learned counsel appearing for the appellant and perused the materials available on record.

3. The appellant is the complainant, who lodged a complaint as against the respondent for the offence punishable under Section 138 of the Negotiable Instruments Act. The complaint was taken cognizance by the Trial Court in STC No.7788 of 2024. However, on 19.09.2024, the complainant was present before the Trial Court. In fact, the respondent was absent and had filed an application under Section 317 of Cr.P.C seeking to condone his absence. After sworn examination, the Trial Court passed over the matter for document verification. However, the complainant failed to appear thereafter and did not file any application to condone his absence. Therefore, the Trial Court dismissed the complaint for default and acquitted the respondent of the offence under Section 138 of the Negotiable Instruments Act. Therefore, the appellant may be given one more opportunity to putforth his complaint before the Trial Court, since the STC of the year is 2024.



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4. In view of the above, the Judgment dated 19.09.2024 passed in STC No.7788 of 2024 on the file of the Metropolitan Magistrate, Fast Track Court No.II, Egmore @ Allikulam, Chennai, is hereby set aside. The Trial Court is directed to issue summons to the respondent, proceed with the trial and complete the same within a period of six months from the date of receipt of a copy of this order. The appellant shall co-operate with the Trial Court for the expeditious disposal of the case.

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

24.06.2025

Index : Yes/No
Internet : Yes/No
Speaking/Non Speaking order
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To

The Metropolitan Magistrate,
Fast Track Court No.II,
Egmore @ Allikulam, Chennai,

G.K.ILANTHIRAIYAN. J.



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