



Crl.A(MD)No.279 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :05.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.A(MD)No.279 of 2025

M/s. The Daily Thanthi Trichirappalli,
Rep by its Power of Attorney Agent,
C.Murugesan.

... Appellant

Vs

Sri Ganesan Ji Memorial and
Charitable Educational Trust,
Rep through its Trustee E.Shanthi,
29/1, Sesaiah Road,
Charles Nagar,
Dr.Parthasarathy House,
Pudukkottai District – 622 005.

... Respondent

PRAYER: Appeal filed under Section 378 of the Criminal Procedure Code, to call for the records and set aside the judgment dated 14.08.2024 made in CC No.9 of 2019 passed by the learned Judicial Magistrate No.II, Trichirappalli and allow the Criminal Appeal.

For Appellant : Mr.S.Ramakrishnan
For Respondent : Mr.A.V.Rajasekaran



Crl.A(MD)No.279 of 2025

WEB COPY

JUDGMENT

This Criminal Appeal is arising out of a Judgment passed by the learned Judicial Magistrate No.II, Tiruchirappalli in CC No.9 of 2019, in the proceedings initiated under Section 138 of Negotiable Instruments Act, 1881.

2.The appellant has lodged a complaint as against the respondent that the respondent has failed to pay a sum of Rs.13 Lakhs, payable by him. The respondent has issued two cheques and they were dishonoured due to insufficient funds. The complaint instituted by this appellant was pending for five years and the complainant has not taken any initiative to adduce evidence and to prosecute the case. Taking note of the conduct of the appellant herein in not proceeding with the complaint for more than five years, the trial Court, by its order dated, 14.08.2024 has dismissed the complaint filed by this appellant. Aggrieved over the same, the present Criminal Appeal is filed.



Crl.A(MD)No.279 of 2025

WEB COPY

3.The learned counsel appearing for the appellant submits that the appellant and the respondent/accused are having some business transactions. According to the appellant, he has present with his Counsel in all hearings and in fact, respondent/accused sought for adjournments. During Covid -19 pandemic period, there was no proper adjudication and that period was also taken note by the trial Court that this appellant has not prosecuted the appeal for five years. The learned counsel further submits that due to some financial conditions, the respondent has failed to settle the amount and now they want to settle the issue amicably.

4.The learned counsel for the respondent has also agreed that he is ready to settle the issue with the complainant and he requested for some time to settle the amount.

5.Considering the submissions made and the nature of the order passed by the trial Court, this Court is inclined to allow this Criminal Appeal by setting aside the order passed by the trial Court, in



Crl.A(MD)No.279 of 2025

WEB COPY

view of the undertaking given by the respondent/ accused before this court that he is ready to settle the issue with the complainant.

6.Accordingly, this Criminal Appeal is allowed. The Judgment passed by the learned Judicial Magistrate No.II, Tiruchirappalli in CC No.9 of 2019, dated 14.08.2024 is set aside and the issue is remanded back for fresh consideration by the trial Court. The trial Court shall find out the possibility of an amicable settlement between the parties by providing an opportunity. The petitioner/Complainant as well as the respondent/accused shall pay a sum of Rs.5,000/- each to the District Legal Services Authority, Trichy within a period of two weeks from the date of receipt of a copy of this Judgment.

05.03.2025

Index : Yes/No

Internet : Yes/No

vrn

To

1.The Judicial Magistrate No.II, Tiruchirappalli

2.The District Legal Services Authority, Trichy.



WEB COPY



Crl.A(MD)No.279 of 2025

B.PUGALENDHI, J.,

vrn

Judgment made in
Crl.A(MD)No.279 of 2025

05.03.2025