



Crl.A(MD)No.251 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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DATED :17.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

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Latha

... Appellant

Vs

1.Golden Steels and Sanitations,
No.124/1, Chennai Bye-Pass Service Road,
No.1, Tolgate,
Trichy – 621 216.

2.H.Hamshathkan
3.S.Sadhiqbasha

... Respondents

PRAYER: Appeal filed under Section 378 of the Criminal Procedure Code, to call for the records and set aside the impugned judgment of dismissal and acquittal dated 01.08.2024 in CC No.345 of 2020, on the file of learned Judicial Magistrate No.II, Trichy.

For Appellant : Mr.R.Sakthivel
For R2 : Mr.T.Lenin Kumar



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J U D G M E N T

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The complaint filed by the appellant under Section 138 of the Negotiable Instruments Act was dismissed by the trial Court under Section 256 of Cr.P.C, by order dated 01.08.2024 in CC No.345 of 2020. Challenging the same, the appellant has filed the instant appeal.

2.On 26.02.2025, when this Criminal Appeal was taken up for hearing, the learned Counsel for the appellant submitted that the appellant and her Counsel failed to appear before the trial Court on 01.08.2024, due to the boycott organized by the Bar Association. Therefore, the trial Court has dismissed the complaint. The learned counsel has sought time to get instructions from the appellant. Accordingly, this Criminal Appeal was adjourned today.

3.Today 17.03.2025, when this Criminal Appeal is taken up for hearing, the learned counsel for the appellant submits that this appellant as a single woman is maintaining her child. He further submits that pending this complaint, the accused has come forward to



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settle the amount and therefore she has not prosecuted the appeal. The learned counsel also submits that pending the appeal, the accused has transferred a sum of Rs.50,000/- towards the liability through his bank account as under:-

31.07.2024	Rs.10,000/-
31.08.2024	Rs. 5,000/-
25.10.2024	Rs. 5,000/-
28.11.2024	Rs. 5,000/-
31.12.2024	Rs. 5,000/-
23.01.2025	<u>Rs.15,000/-</u>
Total	<u>Rs.50,000/-</u>

The learned counsel has also furnished the transaction details.

4.Mr.T.Leninkumar, learned Counsel for the second respondent has produced a copy of the proceedings of Chief Judicial Magistrate Court, Tiruchirappalli, in CC.No.345 of 2020 and submits that the case was pending for evidence from 30.08.2022 and the appellant / complainant has not even filed the proof affidavit and has not entered into the box for evidence. Taking note of the same, the trial Court has dismissed the complaint.



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5.This Court has perused the orders of the learned Magistrate

dated 01.08.2024 and the same is extracted as under:-

“Complainant called absent. No representation. A2 present. A3 called absent. No representation. This case is posted for complainant side evidence (NFA) on 21.11.2023 and this case was adjourned on 309 CRPC petition on 23.01.2024, this case is posted for complainant side evidence (L.C) on 09.07.2024, on 24.07.2024. This case is posted for CWs (NFA), even today the complainant is not present and ready to conduct the case, complainant is failed to utilize the above opportunities thrown at him, hence keeping this case idle in the same stage will not have any impact, hence Interest on justice this case is dismissed u/s.256 CRPC. Accused is acquitted.”

In fact, considering the grounds on which, the complaint was dismissed by the trial Court, this Court is not inclined to entertain this Criminal Appeal. However, considering the fact that the order of the trial Court, dated 01.08.2024 has not been passed on merits, this Court is inclined to allow this Criminal appeal. However, the conduct of this appellant is not appreciable.



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6. Accordingly, this Criminal Appeal is allowed with a condition that this appellant shall pay a sum of Rs.10,000/- the District Legal Services Authority, Trichy and this amount shall be utilised for welfare activities of the Judicial Magistrate Court No.II, Trichy.

17.03.2025

Index : Yes/No
Internet : Yes/No
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To

- 1.The District Legal Services Authority, Trichy
- 2.The Judicial Magistrate Court No.II, Trichy.



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B.PUGALENDHI, J.,

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Judgment made in
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