



CRL OP(MD). No.22967 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 06/01/2026

CORAM

THE HONOURABLE MRS. JUSTICE N.MALA

CRL OP(MD). No.22967 of 2025
in
CRL A(MD)SR.No.36648 of 2025

CRL OP(MD)No.22967 of 2025

Mathankumar

... Petitioner

Vs

1.M/s.Nachiyar Motors Pvt Limited,
Rep by its Managing Director,
Govindaraj,
No.119, Abraham Pandithar Garden,
Medical College Road,
Thanjavur.

2.Govindraj,
The Managing Director,
M/s Nachiyar Motors Pvt Ltd,
No. 119 Abraham Pandithar Garden,
Medical College Road,
Thanjavur.

... Respondents

PRAYER:- To grant Special Leave to appeal against the judgment of acquittal in STC.No.551/2020 on the file of Judicial Magistrate, Fast Track Court, Karur, dated 19.03.2024.



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For Petitioner : Mr.S.Gokulraj

For R1 : Mr.K.Sanjai Gandhi
Government Advocate (Crl.Side)

For R2 : Mr.N.Bala Subramanian

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... Respondents

PRAYER:- This Criminal Appeal filed under Section 419 (A) of BNSS, 2023, against the judgment dated 19.03.2024 made in S.T.C.No.No.551 of 2020 on the file of the Judicial Magistrate Fast Track Court, Karur, wherein, the learned Judge had acquitted the accused persons under Section 138 of Negotiable Instrument Act.



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For Petitioner : Mr.S.Gokulraj

For R1 : Mr.K.Sanjai Gandhi
Government Advocate (Crl.Side)

For R2 : Mr.N.Bala Subramanian

ORDER

This Criminal Original Petition is filed to grant leave to the Petitioner to file the Criminal Appeal in Crl.A(MD)SR.No.36648 of 2025 against the impugned order passed by the learned Judicial Magistrate, Fast Track Court, Karur in S.T.C.No.551 of 2020, dated 19.03.2024.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.The Honourable Supreme Court in Neutral Citation-2025 INSC 804, dated 8.4.2025 in the case of *M/s.Celestium Financial .vs. A.Gunasekaran etc.*, held that application for grant of leave is not necessary. The Honourable Supreme Court in Paragraph No.10 of the above citation categorically held as follows:



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“10.....We hold that the victim of an offence has the right to prefer an appeal under the proviso to Section 372 of the Cr.P.C irrespective of whether he is a complainant or not. Even if the victim of an offence is a complainant, he can still proceed under the proviso to Section 372 and need not advert to sub-section (4) of Section 378 of the Cr.P.C..”

4.In view of the aforesaid dictum of the Honourable Supreme Court, the application to grant leave is not necessary and therefore the Criminal Appeal is also closed at the SR stage itself. The petitioner is given liberty to approach the concerned District Court. However, it is made clear that the period spent in prosecuting the above appeal shall be excluded for the purpose of calculating limitation.

06.01.2026

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Note: Registry is directed to return all the originals to the learned counsel for the petitioner.



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To

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2.Govindraj,
The Managing Director,
M/s Nachiyar Motors Pvt Ltd,
No. 119 Abraham Pandithar Garden,
Medical College Road,
Thanjavur.

3.The Judicial Magistrate,
Fast Track Court, Karur.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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N.MALA,J

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