

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :20.8.2015

Coram

THE HONOURABLE MR. JUSTICE B. RAJENDRAN

Criminal Revision Case No. 1240 of 2014

J.Ravishankar

.. Petitioner

versus

S.Ranganathan

.. Respondent

Criminal Revision case filed under Section 397 and 401 of Cr.P.C. against the Order dated 25.9.2014 passed by the learned Judicial Magistrate No.1, Krishnagiri in Crl.M.P.No.5531 of 2014 in S.T.C. No.451 of 2012.

For Petitioner : Mr.V.Rajamohan

ORDER

The present Criminal Revision Case is filed by the petitioner as against the order dated 25.9.2014 passed by the learned Judicial Magistrate No.1, Krishnagiri in Crl.M.P.No. 5531 of 2014 in S.T.C. No. 451 of 2012 in and by which, the petition filed by the petitioner for issuance of N.B.W against the accused was returned.

2. The petitioner has preferred complaint against the respondent / accused for the offence under Section 138 read with 142 of Negotiable Instrument Act and the same was taken on file by the learned Judicial Magistrate No.1, Krishnagiri and also ordered to issue summons. Even after issuing summons, the respondent did not appear before the Court below. Therefore, the petitioner / complaint has paid process regarding warrant against the accused and the same was sent to the jurisdictional police Kolathoor P.S., where the accused has resided. Since the accused was absconding from the address mentioned in the warrant complaint and shifted the shop within the jurisdiction of Puzhal police, the Kolathur Police station returned the warrant. Therefore, the petitioner filed Crl.M.P.M. 6779 OF 2012 praying to issue an order of proclamation for absconding regarding the respondent/accused against whom a warrant has been issued and publish the same in a daily newspaper and the same was ordered and the complainant/petitioner has also published the matter in Makkal Kural Tamil Edition circulated in Chennai city. Further immovable properties belonging to the accused were also attached. While so, the petitioner/complainant has filed the present petition seeking to issue N.B.W. against the respondent/accused. The Court below returned the said petition stating that the petition is not maintainable in view of the pending proclamation. Aggrieved over the said order, the petitioner has filed the present revision.

3. Heard the learned counsel for the petitioner and perused the materials placed on record.

4. It appears that the proclamation has already been ordered by the Court below and the same has also been effected. Therefore, at this stage, there is no question of issuing NBW against the petitioner. Therefore, the Court below has rightly come to the conclusion that the petition is not maintainable. Hence, I do not find any reason to interfere with the reasoned order of the Court below.

5. But at the same time, the respondent / accused has conveniently evading in receiving the Court summons. Since, it is stated that the respondent/accused has shifted his place and the petitioner knows the new place very well, the petitioner is at liberty to seek the help of the concerned jurisdictional police, who, in turn, shall do the needful immediately as per law.

The Criminal Revision is dismissed.

Sd/-  
Asst.Registrar (CS IV )

/true copy/

Sub Asst. Registrar

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To

1. The Judicial Magistrate No.I  
Krishnagiri

2. The Public Prosecutor, High Court, Madras

1 cc to Mr.V. Rajamohan, Advocate, sR. 44422

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