

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.OP.No.23934 of 2015

and

MP.No.1 of 2015

S.Pradeep ... Petitioner(3rd Accused)

Vs

Vellingiri ... Respondent(Complainant)

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to set aside the order passed by the learned Sessions Judge, Coimbatore in Crl.Revision No.55 of 2013 dated 19.02.2015 confirming the order passed by the Judicial Magistrate-V, Coimbatore in CMP.No.2017 of 2012 dated 06.07.2013.

For Petitioner : Mr.S.Sivanandam

For Respondent : Mr.C.Emalias

ORDER

This petition has been filed to set aside the order passed by the learned Principal Sessions Judge, Coimbatore in Criminal Revision Petition No.55 of 2013 dated 19.02.2015.

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

3. For the sake of convenience, the parties will be referred to as the complainant and the accused. The complainant lodged a complaint against the accused for an offence under Section 138 of Negotiable Instruments Act, with a condone delay application in CMP.No.2017 of 2012, which was allowed by the learned Judicial Magistrate-V, Coimbatore on 06.07.2013.

4. Aggrieved by which, the accused approached the Sessions Court in CRP.No.55 of 2013, which came to be dismissed by the Principal Sessions Judge, Coimbatore, by the impugned order herein

on 19.02.2015,. Challenging which, the accused is before this Court.

5. It is trite law that under Section 397[3] Cr.P.C, a second revision before the High Court is barred. However, an application under Section 482 Cr.P.C is maintainable, if it is shown that there has been a gross violation of legal provisions, resulting in injustice.

6. On reading of the order passed by the Courts below, the petition for condoning the delay of 12 days has been allowed. The Trial in the case has to proceed, in accordance with law and the accused may even be acquitted. In this case, this Court does not find any such violation, in the orders passed by the Courts below, warranting interference under Section 482 Cr.P.C.

Hence, the petition stands dismissed. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

gya

To

1.The Judicial Magistrate V,
Coimbatore.

2.The Sessions Judge,
Coimbatore.

+1cc to Mr.S.Sivanandam, Advocate, S.R.No.52107

SVI (CO)
CA(07/10/2015)

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