

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.06.2015

Coram

THE HONOURABLE MR. JUSTICE B. RAJENDRAN

Crl.Revision Case No.490 of 2008

Uniply Industries Limited
Old No.168, Sydenhams Road
Chennai 600 003.
rep.by its Managing Director
Mr.B.L.Bengani ... Petitioner

vs

M/s.Jay Plywood Industries
by its Partner Mr.Diljeet Singh
Kishan Garh Road
Kartarpur, Jalandhar
and also at
Baniya Mohallee
Near Hanuman Mandhir
Jalandhar, Punjab. ... Respondent

Revision Petition filed under Sections 397 read with Sec. 401 of Cr.P.C. against the order dated 09.01.2008 passed by the learned II Metropolitan Magistrate, Egmore, Chennai in dismissing the complaint filed in C.C.No.656 of 2007.

For Petitioner : No appearance

For Respondent : No appearance

ORDER

When the matter was listed on 08.06.2015, there was no representation for the petitioner. Hence, the matter was directed to be listed today under the caption "'for dismissal'". Even today, there is no representation for the petitioner. Hence, as per the judgment of the Hon'ble Apex Court reported in (2013) 3 SCC 721 [K.S.Panduranga vs. State of Karnatak], if the petitioner do not appear, there is no necessity for the Court, which is hearing the matter, to issue warrant for special notice or appoint any Amicus Curiae to argue the matter on behalf of the petitioner. The Court is empowered to deal with the matter on merits and dispose of the same. Accordingly, this matter is taken up for disposal on merits.

2. According to the petitioner, the petitioner/complainant is a manufacturer of all kinds of Plywood products. The respondent/accused placed orders with the petitioner and the goods were supplied to them by the petitioner. Though two invoices were raised totalling a sum of Rs.3,40,429/-, the respondent/accused for the goods supplied, they did not make any payment. Even a cheque issued for a sum of Rs.75,000/- was dishonoured. Hence, the complaint

was preferred before the Court. However, the same was dismissed. Hence, the present revision by the complainant.

3. Perused the records.

4. On a perusal of the order passed, it is seen that when the matter was taken up for hearing on 09.01.2008 by the Court below, there was no representation on either side. It is further held that though the matter is pending from the year 2007, the complainant has not taken any effective steps to serve the summons to the accused even after sending notice. Hence, the petition was dismissed on the ground that the complainant was absent and he has not taken any effective steps to proceed further in the case.

5. In fact, the revision was preferred before this Court in the year 2008 and the same is kept pending for the past seven years. After admission in the year 2008 the petitioner has not taken any steps to take notice to the respondent and there was no representation on earlier occasions also. Hence, this Court by way of giving one more opportunity to the petitioner and in the interest of justice, posted the matter today, under the caption "for dismissal". However, even today, there was no representation on either side.

6. Since the petitioner has not shown any interest to prosecute the case here also and in fact that was the reason assigned by the Court below in dismissing the application filed by the petitioner, I find no reason to interfere with the order passed by the Court below as the petitioner is a chronic absentee.

7. In view of the above, this Criminal Revision Case is dismissed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

vj2

To

The II Metropolitan Magistrate, Egmore, Chennai

Cr1.R.C.No.490 of 2008

SV(CO)

EU 30.06.15