



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.09.2015

CORAM:

THE HONOURABLE MRS.JUSTICE S.VIMALA

M.P.(MD)No.1 of 2015

in

Criminal Revision Case (MD)No.745 of 2010

M.Joseph Vedamanickam

.. Petitioner/petitioner/complainant

Vs.

S.Dasan

.. Respondent/Respondent/Accused

Petition is filed under Section 482 Cr.P.C. to transfer Crl.R.C.(MD) No.745 of 2010 pending on the file of this Court to the file of the Principal Sessions Court, Theni and consequently direct the Principal Sessions Court, Theni to renumber it as an appeal and be heard along with in Crl.A.(MD)No.61 of 2010 pending on the file of the Additional District Judge, Periyakulam, Theni District.

Prayer in CRL RC(MD). 745/ 2010 :

Criminal Revision Petition case filed Under section 397 and 407 of code of Criminal Procedure , Praying this court to call for the records and enhance the sentence imposed on the respondent by the judgement the dated 29.07.2010 made in S.T.C.No.4288 of 2007.

For Petitioners : Mr.C.Muthusaravanan

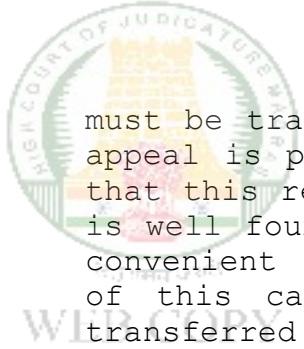
For Respondent : No appearance

ORDER

The revision petitioner herein filed a complaint before the learned Judicial Magistrate, Uthamapalayam, Theni District under Section 138 of Negotiable Instruments Act, which was taken on file in S.T.C.No.4288 of 2007.

2.The case of the complainant is that the accused borrowed a sum of Rs.1,80,000/- on 12.12.2002, after issuing a cheque, dated 02.02.2003. As the cheque was ultimately dishonoured, this complaint came to be filed. The Court after hearing both sides, found the accused guilty under Section 138 of Negotiable Instruments Act and convicted and sentenced him to imprisonment till the raising of the Court and a fine of Rs.5,000/-, in default, to undergo one week simple imprisonment. Challenging the conviction and sentence, the accused is stated to have filed an appeal in C.A.No.61 of 2010, which is pending before the learned Principal District Judge, Theni, which was transferred to the learned Additional District Judge, Periyakulam. Challenging the inadequacy of sentence, the complainant has filed this revision before this Court in Crl.R.C(MD) No.745 of 2010.

3.It is pointed out by the learned counsel for the revision petitioner that the appeal pending before the Additional Sessions Judge is not disposed of on the ground of pendency of this revision petition before this Court and that under Section 372 Cr.P.C., as a victim, the complainant also is entitled to prefer an appeal and therefore, this case



must be transferred to the Additional Sessions Judge, where the criminal appeal is pending, so that, both the cases can be taken up together and that this revision petition must be treated as an appeal. This submission is well founded, as both the cases can be simultaneously heard and it is convenient for the Court also to appreciate the facts and circumstances of this case. Therefore, CrI.R.C(MD)No.745 of 2010 is ordered to be transferred to the file of the learned Additional Sessions Judge and the same may be treated as appeal by the learned Additional Sessions Judge and both the matters shall be heard together and the lower appellate Court shall dispose of the appeal, within a period of two months from the date of receipt of a copy of this order.

4.This Petition is ordered accordingly.

Sd/-

Assistant Registrar(Writs)

/True copy/

Sub Assistant Registrar

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To

1.The Principal District and Sessions Judge, Theni.

2.The Additional District and Sessions Judge, Periyakulam,
Theni District.

3.The Judicial Magistrate, Uthamapalayam.

4.The Registrar(Judicial), Madurai Bench of Madras High Court, Madurai.

5.The Section Officer, Criminal Section,
Madurai Bench of Madras High Court, Madurai.

6.The Record Keeper/Section Officer, E.R.Section, Madurai Bench of Madras High Court, Madurai.

+one cc to Mr.C.Muthusaravanan, Advocate in SR.No.51777

M.P. (MD)No.1 of 2015
in

CrI.R.C. (MD)No.745 of 2010
04.09.2015

CSL/AAL-MPA/SAR-II/12.10.2015

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