



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 01.06.2015
CORAM:

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU

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Cr1.R.C.(MD)NO.193 of 2015

Chelladurai
S/o.Tharmar
6/197 Poonthotta Street,
Thalaiyuthu
Tirunelveli District.

.. Revision Petitioner

Vs.

Baskaran
S/o.Selva Vinayagam
283 City Tailor Street,
Sankarankovil Road
Ramayyanpatti
Tirunelveli District.

.. Respondent

Prayer: Criminal Revision Petition filed under Section 397 r/w 401 Cr.P.C., against the order passed in Un Regd Cr.M.P.No. Of 2015 in Un Regd. S.T.C.No. Of 2015 on the file of the Judicial Magistrate No.4 Tirunelveli dated 25.02.2015.

For Petitioner

:: Mr.T.Selvan

ORDER

The petitioner filed a private complaint before the learned Judicial Magistrate No.III, Tirunelveli against the respondent alleging that the respondent has committed offence punishable under Section 138 of the Negotiable Instruments Act. The learned Judicial Magistrate No.III returned the complaint holding that he has no territorial jurisdiction. While returning, the learned Judicial Magistrate gave liberty to the petitioner to present the complaint before the jurisdictional Magistrate, namely, the Jurisdictional Magistrate No.IV. Tirunelveli, within a period of 30 days from the date of return. The complaint was however re-presented before the learned Judicial Magistrate No.IV, Tirunelveli with a delay of 6 days. The learned Judicial Magistrate, No.IV, Tirunelveli, however, returned the complaint and therefore the petitioner re-presented the said complaint with a petition to condone the delay that was again returned by the learned Judicial Magistrate No.IV, Tirunelveli. Challenging the same, he is before this Court with this revision petition.

2. It is seen that the private complaint on re-representation before the learned jurisdictional Magistrate, No.IV, was not rejected by passing a final order. The learned Judicial Magistrate only returned the private complaint for certain reasons. Such order of return is neither a final order nor an intermediate order so as to maintain the revision. Thus, the remedy for the petitioner is, if so advised, to approach this Court under Section 482 Cr.P.C.

3. In such view of the matter, this revision is not at all maintainable. Hence, the Criminal Revision Petition is dismissed, however, with liberty to the petitioner to file appropriate petition under Section 482 Cr.P.C., if so advised.



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Sd/-

Assistant Registrar(Writs)

\\True copy\\

Sub Assistant Registrar

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To

1.The Judicial Magistrate No.4
Tirunelveli

2.The Record Keeper/Section Officer
ER section Madurai Bench of Madras High Court
Madurai.
(for return of the Original impugned order)

+1cc to Mr.T.Selvan,Advocate SR.No. 27241

Cr1.R.C. (MD) NO.193 of 2015
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NA/AMF/17/06/2015/P2/4C