



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.04.2015

WEB COPY

CORAM:

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU

CRL.RC. (MD) No.73 of 2015

Vadivel Pyrotechs Private Limited,
Rep through its Manager,
and Authorized person,
Mr.K.S.Murugesan,
S/o.K.Subbukani,
217/G, Opp.Kamarajar Matrick School,
Sattur Road, Sivakasi, Virudhunagar District.

: Petitioner

Vs.

S.Kanthasamy

: Respondent

PRAYER: Petition filed under Section 397 r/w 401 of the Code of Criminal Procedure, to call for the records relating to the order dated 16.04.2014 made in Cr.M.P.No.291 of 2013, on the file of the Judicial Magistrate, Sivakasi and set aside the same.

For Petitioner : Mr.T.Antony Arul Raj

For Respondent : Mr.V.Muthuvelan

O R D E R

The petitioner is a company, represented by its Manager and Authorized Person - Mr.K.S.Murugesan. According to the petitioner, the respondent is a worker in the petitioner company. He had borrowed a sum of Rs.3,00,000/- from the petitioner company and in discharge of the same, he had issued cheque, which was dishonoured for want of sufficient funds. Statutory notice was issued and thereafter, since the same was not complied with, a private complaint was filed alleging that the respondent had committed offence punishable under Section 138 of the Negotiable Instruments Act, 1881. In filing the said complaint, there had occurred a delay of 84 days. Seeking to condone the said delay, the petitioner filed Cr.M.P.No.291 of 2013, before the learned Judicial Magistrate, Sivakasi. By order dated 16.04.2014, the learned Judicial Magistrate dismissed the said petition. Challenging the same, the petitioner has come up with this Criminal Revision Case.

2. I have heard the learned counsel appearing for the petitioner, the learned counsel appearing for the respondent and perused the records carefully.



3. Though it is contended by the learned counsel appearing for the petitioner that the respondent, who is a worker in the petitioner company, had borrowed a sum of Rs.3,00,000/- and in discharge of the same, he issued cheque, which was dishonoured for want of sufficient funds and though it is contended that the respondent was doing illegal activities in the Fire Works Factory run by the petitioner and the respondent was treating the workers as bonded labourers, in this Criminal Revision Case, I do not want to go into these contentions. The scope of this revision is very limited, inasmuch as this Court is required to find out as to whether the delay has been explained properly to the satisfaction of the Court in presenting the private complaint. The reason stated by the petitioner is that he was suffering from jaundice and that is the reason why, he could not present the complaint on time. This has been disbelieved by the Lower Court and there is neither oral evidence nor documentary evidence to support the said contentions. The Lower Court has appreciated the facts placed by way of affidavit and considering all the attendant circumstances, the Lower Court has come to the conclusion that the delay has not been explained properly to the satisfaction of the Court. When that be so, I do not find any reason to interfere with the order of the Lower Court.

4. In the result, the Criminal Revision Case fails and the same is dismissed.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1.The Judicial Magistrate, Sivakasi.

2.Do thro' The Chief Judicial Magistrate, Srivilliputhur

+1cc to Mr.T.Antony Arulraj,Advocate Sr.No. 20099

nb

AA/07.05.2015/2p- 4c/

**ORDER MADE IN
CRL.RC. (MD) No.73 of 2015**