

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:19.12.2016

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Criminal Revision No.98 of 2011

P.V.Rajan

...Petitioner/Complainant

Vs

1. Nexus Equity Merchandise Pvt., Ltd.,
6A, Sir Madhavan Road,
Mahalingapuram,
Chennai - 600 034.
rep. by its C.E.O.,
Gautam Banerjee.

2. Gautam Banerjee,
C.E.O & Authorised Signatory
Nexus Equity Merchandise Pvt., Ltd.,
6A, Sir Madhavan Road,
Mahalingapuram,
Chennai - 600 034.

...Respondents/Accused

Prayer:-

This Criminal Revision is filed under Section 397 & 401 of Cr.P.C., to set aside the order dated 18.11.2010 made in C.C.No.6977 of 2008 on the file of the learned XVII Metropolitan Magistrate, Saidapet, Chennai.

For petitioner : Mr.K.R.Ramesh Kumar

O R D E R

This revision has been filed as against the order of dismissal of the private complaint filed by the petitioner under Section 138 of the Negotiable Instruments Act on the ground that the complainant has not appeared and he has not taken any process to serve notice to the accused.

2. Since the complaint of the petitioner has been dismissed for default, notice to the respondents dispensed with.

3. I have heard Mr. K.R.Ramesh Kumar, learned counsel appearing for the petitioner.

4. The learned counsel appearing for the petitioner would submit that the petitioner always appearing before Court and in the earlier hearing, bundle was misplaced and hence, a date was given and on the given date, the petitioner has also appeared, but, before that the learned Judicial Magistrate dismissed the complaint.

5. Be that as it may, since the complaint was dismissed only on the ground of default, in order to give an opportunity to the petitioner and in the interest of justice, this Court is inclined to allow this revision.

6. Accordingly, this Criminal Revision Petition is allowed and the impugned order passed by the learned XVII Metropolitan Magistrate, Saidapet, Chennai, in C.C.No.6977 of 2008 dated 18.11.2010 is set aside and the XVII Metropolitan Magistrate, Saidapet, is directed to restore the complaint on file, the petitioner is directed to file the process, thereafter, the trial Court is directed to proceed with the complaint in accordance with law.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mrp

To

1. The XVII Metropolitan Magistrate,
Saidapet, Chennai.

2. The Public Prosecutor,
High court, Madras.

ACA(CO)
RS(23/02/2017)

Cr1.R.C.No.98 of 2011