

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.12.2016

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Criminal Revision No.1462 of 2016

S.Rajendiran

.. Petitioner/Complainant

Vs

Rajesh

.. Respondent/Accused

Prayer:-

This Criminal revision is filed under Section 397 & 401 of Cr.P.C., to set aside the order made in C.M.P.No.8129 of 2014 in unnumbered S.T.C.No. Of 2014 on the file of the learned Judicial Magistrate, Cheyyar dated 05.03.2015.

For petitioner

: Mr.J.Ramkumar

O R D E R

This revision has been filed as against the order of dismissal of the complaint for non payment of process fee, passed by the learned Judicial Magistrate, Cheyyar in C.M.P.No.8129 of 2014 dated 05.03.2015.

2. The learned counsel for the petitioner submits that the petitioner preferred a complaint under Section 138 of the Negotiable Instruments Act before the learned Judicial Magistrate, Cheyyar. After preferring the complaint, petitioner's wife fell sick and hence, he could not able to pay the process fee in time. Hence, the complaint was dismissed for non payment of process fee.

3. Considering the facts and circumstances of the case, the non payment of process fees was only due to bonafide reason, this Criminal Revision Petition is allowed and the impugned order passed by the learned Judicial Magistrate, Cheyyar dated 05.03.2015 in C.M.P.No.8129 of 2014 is set-aside. The petitioner is directed to pay the process fee and on payment of process fee, the learned Judicial

Magistrate, Cheyyar is directed to restore the complaint on file and proceed further.

-sd/-
Assistant Registrar

/ TRUE COPY /

Sub-Assistant Registrar

mrp
To

1 The Judicial Magistrate, Cheyyar.

2 The Chief Judicial Magistrate, Thiruvannamalai

+1 cc to Mr.J.Ramkumar, Advocate SR.NO. 71552

Cr1.R.C.No.1462 of 2016

mrp[co]

RD 03/01/2017



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