WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 02.02.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP (MD) Nos. 1796 and 1797 of 2016

In Crl.O.P.(MD)No.1796 of 2016:

Gunavathi ..Petitioner

Vs.

Parveen Banu ..Respondent

Prayer:- Criminal Original Petitions filed under Section 482 Cr.P.C., to call for the records from the lower court and to set aside the orders passed in Crl.R.C.Nos.20 of 2015 dated 30.06.2015 confirming the order passed by the learned Judicial Magistrate No.IV, Trichy in C.M.P.Nos. 1879 of 2015 in C.M.P.No.4246 of 2014 in unnumbered S.T.C.No. of 2014 on the file of the learned Judicial Magistrate No.II, Trichy.

In Crl.O.P.(MD)No.1797 of 2016

Gunavathi ..Petitioner

Vs.

Parveen Banu ..Respondent

Prayer:- Criminal Original Petitions filed under Section 482 Cr.P.C., to call for the records from the lower court and to set aside the orders passed in Crl.R.C.Nos.21 of 2015 dated 30.06.2015 confirming the order passed by the learned Judicial Magistrate No.IV, Trichy in C.M.P.Nos. 1878 of 2015 in C.M.P.No.4246 of 2014 in unnumbered S.T.C.No. of 2014 on the file of the learned Judicial Magistrate No.II, Trichy.

For Petitioner: Mr.N.R.Murugesan

O R D E R

The Criminal Original Petitions have been filed under Section 482 Cr.P.C seeking to set aside the orders passed in Crl.R.C.Nos.20 and 21 of 2015 dated 30.06.2015 confirming the orders passed by the learned Judicial Magistrate No.IV, Trichy in C.M.P.Nos.1879 and 1878 of 2015 in C.M.P.No.4246 of 2014 in unnumbered S.T.C.No. of 2014 on the file of the learned Judicial Magistrate No.II, Trichy.

2.Heard the learned counsel appearing for the petitioner.

3. It is seen that the petitioner is the accused in prosecution for the offence under Section 138 of Negotiable Instruments Act, which was belatedly launched by the complainant. The trial court had condoned the delay in filing the private complaints on condition that the complainant should pay a cost of Rs.500/- to the accused. For some reasons, the complainant had failed to pay the cost within the time stipulated by the trial court. Therefore, the complainant filed

https://hcservices.ecourts.gov.in/hcservices/

WEB COPY

applications for extension of time, which were allowed by the trial court. Aggreived by the orders passed by the trial court, the accused filed Crl.R.C.Nos.20 and 21 of 2015, which were dismissed by the Sessions Court on 30.06.2015 against which, the accused is before this Court by way of these Criminal Original Petitions under Section 482 Cr.P.C.

4. It is a settled law that under Section 397(3) of Cr.P.C once a party has approached the Sessions Court, he is precluded from approaching the High Court by invoking the revisional jurisdiction. However, where manifest injustice has occurred, it is open to the parites to approach this Court by invoking revisional jurisdiction. In these cases, on facts the trial court and the revisional court deemed it just and necessary to condone the delay on payment of cost and there is no serious legal issue involved. After the complaints are numbered, a regular prosecution would proceed. Under such circumstances, this Court is of the view that these cases are not fit cases for interference under Section 482 Cr.P.C.

5. With the above observation, the Criminal Original Petitions are dismissed. Consequently, connected M.P is also closed.

Sd/-
Assistant Registrar (P&A)

/True copy/

Sub Assistant Registrar

To
1.The Judicial Magistrate No.IV,
Trichy.

2.The Judicial Magistrate No.II,
Trichy.

Crl.OP (MD) Nos. 1796 and 1797 of 2016
02.02.2016

CM
SH/PM-MP:16.02.2016:2P/3C

https://hcservices.ecourts.gov.in/hcservices/