

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.08.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.2147 of 2017

Frontier life line hospital
(Dr.K.M.Churian Heart Foundation)
rep. by its Senior Executive HR
Mr.Tony Vivek.

.. Petitioner

Vs.

Sureshram Aathithan

.. Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for records and set aside the order in Crl.M.P. No. 3508 of 2016 in unnumbered C.C. No., dated 16.11.2016 on the file of the learned Judicial Magistrate, Ambattur by allowing the criminal original petition filed by the petitioner.

For Petitioner : M/s.P.Subba Reddy.

For Respondent : No Appearance

ORDER

No representation for the respondent, heard the learned counsel for the petitioner.

2. The case of the petitioner is that the private complaint was

originally filed before the learned Judicial Magistrate, Ambattur, which subsequently came to be transferred to Coimbatore. After amendment of the Negotiable Instrument Act, the case was again re-transferred to the learned Judicial Magistrate, Ambattur. In the mean while there had occurred a delay of 566 days in representing the complaint before the learned Judicial Magistrate, Ambattur.

3. According to the learned counsel for the petitioner due to the mistake of the lower court counsel in not communicating the proceedings to the petitioner, the delay had occurred. However, by an order dated 16.11.2016 made in Crime No.3508 of 2016, the complaint came to be dismissed, since the complainant was not present.

4. The learned counsel for the petitioner had requested this Court to take a sympathetic view in the matter, since they are ready to prosecute the case. The learned counsel for the petitioner further submits the petitioner undertakes to appear before the trial Court in future, if any time limit is fixed for representation.

5. Taking lenient view of the matter, the order dated 16.11.2016 made in CrI.M.P.No.3508 of 2016 is set aside. The

complainant is granted liberty to represent the case before the learned Judicial Magistrate, Ambatur within one week from the date of receipt of a copy of this order. On such re-presentation, the learned Judicial Magistrate, Ambattur shall take the same on file, if it is otherwise in order and take further proceedings as per law.

With the above terms, the Criminal Original Petition stands allowed.

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Index:Yes/No

ak/dh



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M.S.RAMESH. J.,

ak/dh



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