

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.02.2017

CORAM:

THE HON'BLE MR.JUSTICE C.T. SELVAM

Crl.R.C.No.1053 to 1057 of 2017

M.Thirupathy

.. Petitioner
in all Crl.R.Cs.

vs.

P.N.New Arani Rice Mandy
By its Proprietor A.Pavendhar
Son of Appakutti
No.886/A, Weekly Market Street
Vaniyambadi, Vellore District.

.. Respondent
in all Crl.R.Cs.

Criminal Revision filed under Section 397 and 401 Cr.P.C.
to set aside the judgment dated 04.07.2015 in CMP.Nos.2187,
2188, 2189, 2190 and 2195 of 2015 on the file of the learned
District Munsif-cum-Judicial Magistrate, Vaniyambadi.

For Petitioner : Mr.V.V.Sairam

For Respondent : Mr.G.Vinodh Kumar

C O M M O N O R D E R

These revisions arise against the orders of learned
District Munsif-cum-Judicial Magistrate, Vaniyambadi passed in
CMP.Nos.2187, 2188, 2189, 2190 and 2195 of 2015 on 04.07.2015.

2. The respondent had preferred five complaints
alleging commission of offences under Section 138 of the
Negotiable Instruments Act against petitioner. The complaints
were returned by the Court below. The respondent re-presented
the same after a delay of 16 months. Petitions filed by the
respondent for condonation of delay had been allowed. Aggrieved
thereby, the petitioner/accused has filed the present revisions.

3. Heard both sides.

4. Learned counsel for petitioner raised two
contentions, which find immediate acceptance at the hands of
this Court. Learned counsel contended that the orders under

challenge do not inform reasons. He also contended that notice ought to have been issued to petitioner/accused towards affording him an opportunity to oppose the petitions seeking condonation of delay.

5.This Court being in agreement with such contentions allows these revisions and accordingly sets aside the orders under challenge. The Court below shall now consider CMP.Nos.1053 to 1057 of 2015 in STC.No.507 of 2015 afresh after causing notice to respondent/accused and thereafter, pass a reasoned order on merits. Whatever is observed herein above is only for the disposal of these revisions and this Court makes it clear that it has no bearing on the merits of the case of either side. The decision on the merits shall lie at the judicial discretion of the Court below.

sd/
Assistant Registrar (CS III)

/true copy/

Sub Assistant Registrar

rm
To

The District Munsif cum Judicial Magistrate,
Civil Judge (Junior Division),
Vaniyambadi.

+1cc to Mr.V.V.Sairam, Advocate SR.No.8379
+1cc to Mr.G.Vinodh Kumar, Advocate SR.No.7936

Cr1.R.C.No.1053 to 1057 of 2017

SKS (CO)
GN (09/03/2017)

सत्यमेव जयते

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