

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2017

CORAM

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.R.C.No. 1120 of 2016

M/s. Sree Gokulam Chits &
Finance Co., (P) Ltd.,

No.28, Muthugramani Street, Chennai - 4.

Represented by its Power Agent

Mr.Harikrishnan,

D.No.18/164, Suriyan Street,

V.H.Road, Coimbatore 641 018.

... Petitioner

Vs.

P. Raja Solaman

... Respondent

Prayer:- Petition filed under Section 397 and 401 of Cr.P.C. pleaded to call for records and order in C.C.No.1019 of 2007 dated 30.06.2015, Judicial Magistrate VIII, Coimbatore dismissing the complaint and to revise the order.

For Petitioner : Mr.L.Rajasekar

O R D E R

Challenging the order dated 30.06.2015 in C.C.No.1019 of 2007 passed by the learned Judicial Magistrate VIII, Coimbatore, this revision petition has been filed.

2. The petitioner is the complainant in this case. He has filed a private complaint for the offence under Section 138 of Negotiable Instruments Act before the learned Judicial Magistrate VIII, Coimbatore against the respondent and the Court below has taken cognizance of the offence and issued summons to the respondent. Thereafter, since the accused/respondent did not appear before the Court, non-bailable warrant was issued to the accused, but, after issuing non bailable warrant the petitioner/complainant did not take any step for executing the warrant. Since no steps have been taken to execute the warrant, the Court below dismissed the complaint invoking Section 204(4) Cr.PC. Challenging the above order present revision has been filed.

2. Heard the learned counsel for the petitioner.

3. Even though notice was sent to the last mentioned address given by the petitioner, notice could not be served on the respondent. The petitioner also filed a proof for the same, but, the lower Court had dismissed the complaint under Section 204 (4) Cr.PC. Petitioner being a complainant, in order to give him an opportunity to establish his case, the impugned order passed by the Court below is set aside and the Court below is directed to restore the complaint on file. The petitioner is directed to take necessary steps to execute non-bailable warrant.

4. Accordingly this petition is allowed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

dpq
To

The Judicial Magistrate VIII, Coimbatore

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