

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2017

CORAM

THE HONOURABLE MR. JUSTICE C.T.SELVAM

Crl.R.C.No.1650 of 2016

and

Crl.M.P.No.13630 of 2016

G.Karthikeyan

... Petitioner/Petitioner/
Appellant/Accused

Vs.

R.Krishnakumar

Proprietor

M/s.P.K.Systems,

78D Nachiappa Street,

Sri Murugan Complex,

Erode.

... Respondent/Respondent/
Complainant

Criminal Revision filed under Section 397 and 401 Cr.P.C. filed to set aside the order dated 15.11.2016 passed in C.M.P. No.149 of 2016 in C.A. No.6 of 2016 on the file of the learned I Additional District and Sessions Judge, Erode.

For Petitioner : Mr.S.Jayakumar

For Respondent : Mr.R.Nalliyappan

ORDER

This revision arises against the order of learned I Additional District and Sessions Judge, Erode, passed in C.M.P. No.149 of 2016 in C.A. No.6 of 2016 on 15.11.2016.

2.Learned counsel for the revision petitioner submits that petitioner/accused faced trial for offence under section 138 of Negotiable Instruments Act 1881 in S.T.C.No.446 of 2013 on the file of learned Judicial Magistrate, Fast Track Court No.2, Erode. Trial Court under judgment dated 04.12.2015, convicted the petitioner and sentenced him to 1 year R.I. and a fine of Rs.5,000/- i/d 1 month S.I. Aggrieved, petitioner filed C.A.No.6 of 2016 on the file of the learned I Additional District and Sessions Judge, Erode. Petitioner has also preferred C.M.P.No.149 of 2016 in C.A.No.6 of 2016 under section 391 Cr.P.C to permit him to lead further evidence. Appellate Court, under the impugned order dismissed the petition. Hence, the petitioner is present before this Court.

3. Heard learned counsel for petitioner and learned counsel for the respondent.

4. This Court has considered the rival submissions. This Court, in the interests of justice, considers it appropriate to direct as follows:

1. The order under challenge stands set aside.

2. Appellate Court shall record additional evidence under Section 391 Cr.P.C., through proper witness for specific purpose of the petitioner producing the share transaction particulars and the respondent shall also be afforded an opportunity to conduct cross examination.

3. Appellate Court shall complete the above process forthwith and dispose of C.A.No.6 of 2016 within four weeks from the date of receipt of this order.

4. Petitioner shall, as costs, deposit a sum of Rs.15,000/- by way of Demand Draft to the credit of S.T.C.No.446 of 2013 on the file of learned Judicial Magistrate, Fast Track Court No.2, Erode and the respondent shall withdraw the amount on due application.

The Criminal Revision Case is disposed of with the above direction. Consequently, connected Miscellaneous Petition is also closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

rm

To

1.The I Additional District and Sessions Judge,
Erode

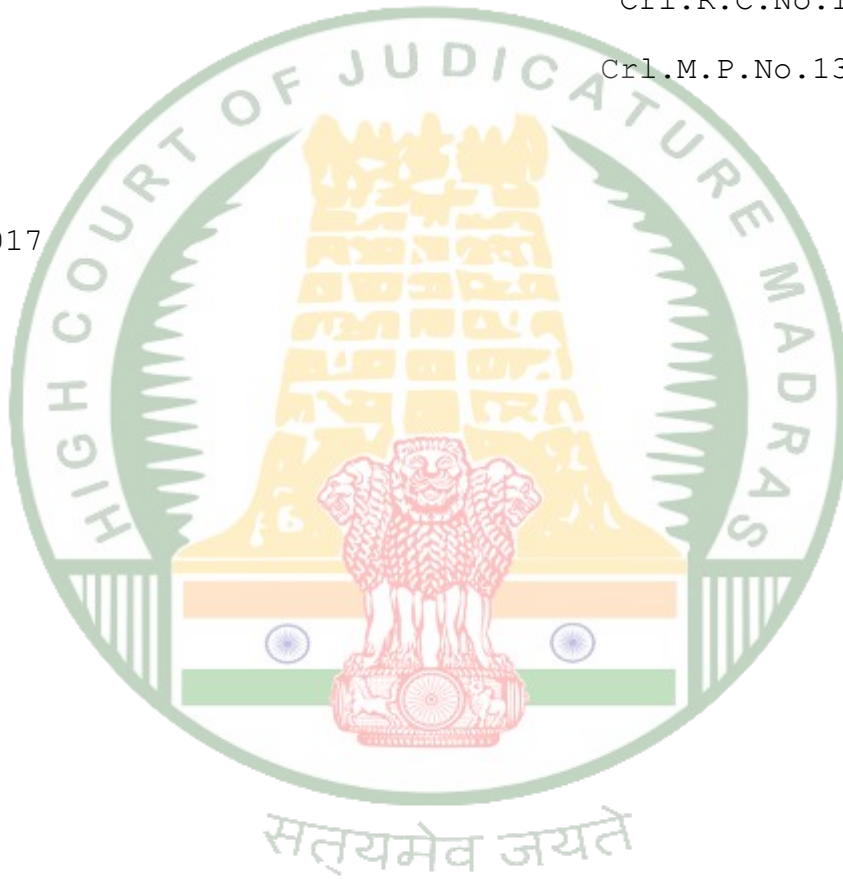
2.The Judicial Magistrate
Fast Track Court NO.II Erode

3.The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.R.Nalliyappan Advocate sr 11043/17
+1 cc to M/s.S.Jayakumar Advocate sr 10998

Crl.R.C.No.1650 of 2017
and
Crl.M.P.No.13630 of 2016

vgl(co)
aa23/02/2017



WEB COPY