



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.08.2017

C O R A M

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

WEB COPY

Criminal Revision Case (MD) No.322 of 2017

and

CrI.M.P(MD)No.3082 of 2017

John X Kennady ... Petitioner/Petitioner/Appellant
Vs.

S.K.Arunkumar ... Respondent/Respondent/Respondent

Petition filed under Section 397 read with 401 Cr.P.C., to call for the records in Cr.M.P.No.497 of 2016 in C.A.No.58 of 2012 dated 12.01.2017 on the file of VI Additional District and Sessions Judge, Madurai and set aside the same.

For Petitioner : Mr.K.Rajaprabakaran
for Mr.J.Gunaseelan Muthiah

For Respondent : No appearance

ORDER

Challenging the order dismissing the petition filed under Section 386(3) Cr.P.C, to reopen the case to examine some other person at the appellate stage, the present Criminal Revision Case has been filed.

2.The petitioner is an accused in a private complaint filed by the respondent for an offence under Section 138 of the Negotiable Instruments Act, 1881. Earlier, the trial Court convicted the petitioner and sentenced him to undergo simple imprisonment for one year and also pay a sum of Rs.1,77,333/- as compensation. Challenging the above said conviction and sentence, the petitioner filed an appeal in CrI.A.No.58 of 2012 on the file of the Additional District and Sessions Judge, Madurai. During the pendency of the appeal, the petitioner filed an application under Section 391 Cr.P.C to mark some documents on his side. The above application was also allowed and the documents were also marked and the petitioner is also examined as D.W.1 on 17.10.2016. After closing of evidence, the appeal was posted for arguments on 01.11.2016. At that time, the petitioner filed a petition to reopen the appeal for the purpose of examining Branch Manager, Indian Bank, Tallakulam Branch and to cross examine the complainant. The said application has been dismissed. Challenging the same, the present Criminal Revision Case has been filed.



3.I have heard Mr.K.Raja Prabakaran, learned counsel for the petitioner and perused the entire materials available on record.

4.Even though notice was served on the respondent and his name printed in the cause list, none appeared on behalf of the respondent.

5.From the records, it could be seen that the Court below has allowed the petition to mark some documents and based on the documents, the petitioner has also examined as D.W.1. Thereafter, after closing evidence, the matter was posted for arguments and at that stage, the petitioner filed an application to reopen the case for the purpose of examining Branch Manager, Indian Bank, Tallakulam Branch and to cross examine the complainant. The trial Court dismissed the application stating that the petition filed by the petitioner was allowed and liberty was also given to the petitioner to mark the documents and he was also examined himself as D.W.1. Thereafter, when the matter was posted for arguments, the petitioner filed the present petition without even stating any reason as to why he wants to examine the Branch Manager, Indian Bank, Tallakulam Branch and to cross examine the complainant. The Court below has rightly come to the conclusion that the petition filed by the petitioner is only to protract the proceedings and dismissed the petition. I find no infirmity or irregularity in the order passed by the Court below. Accordingly, the Criminal Revision Case is dismissed. Since the appeal is pending for long time, the Court below is directed to dispose of the appeal within a period of six months from the date of receipt of a copy of this order. Consequently, CrI.M.P(MD)No.3082 of 2017 is closed.

Sd/-

Assistant Registrar(Protocol)

/True Copy/

Sub Assistant Registrar

To
The VI Additional District and Sessions Judge,
Madurai.

+1cc to Mr.Mr.J.Gunaseelan Muthiah, Advocate SR.No.70454

SMS

VB/SKN/SAR1/24.08.2017/2P/3C

**Order made in
Criminal Revision Case (MD) No.322 of 2017
and
CrI.M.P(MD)No.3082 of 2017
03.08.2017**