



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.07.2017

CORAM :

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Cr1.R.C.(MD) No.217 of 2016

P.Sreekumar

... Petitioner/Complainant

Vs.

P.Arumuga Nadar

... Respondent/Accused

Petition filed under Sections 397 read with 401 Cr.P.C, to call for the records relating to the order made in C.M.P.No.16168 of 2010 dated 04.10.2013 passed by the learned Judicial Magistrate, Padmanabhapuram and set aside the same and direct the Hon'ble Court to take the complaint on file and issue summons to the respondent and to conduct trial in accordance with law.

For Petitioner : Mr.D.Sadiq Raja
For Respondent : Mr.R.Srinivasan

ORDER

Challenging the order of dismissal passed by the Court below in a private complaint filed by the petitioner, the present Criminal Revision Case has been filed.

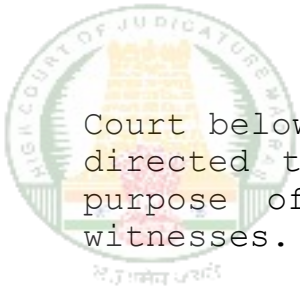
2.According to the petitioner, the petitioner filed a private complaint under Section 138 of the Negotiable Instruments Act, 1881 alleging that the respondent herein borrowed a sum of Rs.8,60,000/- as a hand loan and in order to discharge the same, he has given three cheques. When the cheques were presented, the same was returned with an endorsement as 'insufficiency of funds'. Hence, after completing legal formalities, the petitioner filed a private complaint before the Court below. After filing the complaint, the petitioner did not appear before the Court below for five hearings and hence, the Court below dismissed the said petition. Aggrieved by the same, the present Criminal Revision Case has been filed.

3.I have heard Mr.D.Sadiq Raja, learned counsel for the petitioner and Mr.R.Srinivasan, learned counsel for the respondent and perused the entire records carefully.

4.Learned counsel for the petitioner submitted that the advocate of the petitioner who has filed complaint has shifted his practice to Chennai and therefore, the petitioner has not received any communication relating to this case. In the above circumstances, the petitioner was not aware of the proceedings.

<https://hcservices.ecourts.gov.in/hcservices/>

5.In view of the above, the order passed by the Court below is set aside and the matter is remanded back to the file of the



Court below for fresh consideration. Consequently, the petitioner is directed to appear before the Court below on 24.07.2017 for the purpose of giving sworn in statement and also producing other witnesses.

6.The Criminal Revision Case is disposed of accordingly.

Sd/-
Assistant Registrar(Crl.Side)

/True Copy/

Sub Assistant Registrar

To

1.The Judicial Magistrate, Padmanabhapuram.

2.-do-Thro' Chief Judicial Magistrate,
Kanyakumari District.

Sms

JS/SKN.RSK/SAR.3/13.07.2017/2P-3C

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