



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 23.01.2017
CORAM

THE HONOURABLE MR.JUSTICE B.GOKULDAS

CRL.R.C. (MD) No.634 of 2016 and
CrI.M.P. (MD) No.8312 of 2016

Manimuthu Samuel,
S/o.Chinnakani Rajalinga Nadar,
Teacher, St.John's Middle School,
Parappadi, Nanguneri Taluk,
Tirunelveli District.

.. Petitioner/Appellant

Vs.

M.Shanmuga Sundara Raja

.. Respondent

Prayer: Criminal Revision petition filed under Section 397 r/w 401 of Cr.P.C., to call for the records relating to the order passed in Cr.M.P. No.119 of 2016, dated 29.04.2016 in C.A.No.76 of 2006 on the file of the learned IV Additional Sessions Judge, Tirunelveli, and to set aside the same.

For Petitioner : Mr.T.A.Ebenezer

For Respondent : No appearance.

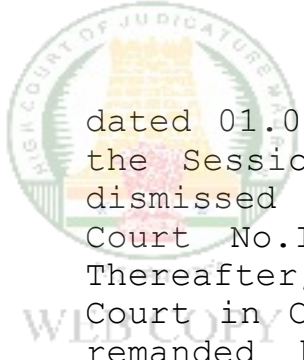
ORDER

This Criminal Revision petition has been filed to call for the records relating to the order passed in Cr.M.P.No.119 of 2016, dated 29.04.2016 in C.A.No.76 of 2006 on the file of the learned IV Additional Sessions Judge, Tirunelveli and to set aside the same.

2. The learned counsel for the petitioner is present and heard.

3. None represented for the respondent.

4. It is the case of the petitioner that the petitioner is an accused in S.T.C.No.2960 of 2005 on the file of the Judicial Magistrate No.I, Tirunelveli, for the alleged offence under Section 138 and 142 of Negotiable Instruments Act. The learned Judicial Magistrate convinced the petitioner and sentenced him to four months Simple Imprisonment and imposed fine of Rs.1,000/-, in default, to undergo one month Simple Imprisonment by the Judgment



dated 01.03.2006. Further, the petitioner filed an appeal before the Sessions Court in C.A.No.76 of 2006 and the same was also dismissed by the learned Additional Sessions Judge(Fast Track Court No.II), Tirunelveli, by the Judgment, dated 12.12.2006. Thereafter, the petitioner filed a Revision petition before this Court in CrI.R.C.No.877 of 2007 and in that Revision, this Court remanded back the appeal to the Appellate Court since the petitioner was not heard by order dated 02.06.2015. The petitioner filed a petition in Cr.M.P.No.119 of 2016 before the Appellate Court, for examining the additional witnesses and the same was dismissed by order dated 29.04.2016. Aggrieved the same, the petitioner has filed the present Revision.

5. Though notice was served to the respondent, the respondent has not chosen to appear either in person or through counsel to contest the case.

6. The reasons stated by the petitioner for examining additional witnesses are satisfactory. This Revision petition has been preferred only against the order passed by the learned IV Additional Sessions Judge, Tirunelveli, in Cr.M.P.No.119 of 2016. Hence, the order passed by the learned IV Additional Sessions Judge, Tirunelveli, in Cr.M.P.No.119 of 2016 is hereby set aside and the Criminal Revision petition is allowed. The learned IV Additional Sessions Judge, Tirunelveli, is directed to consider the additional evidences brought by the petitioner by fresh petitions and to decide the matter within four months from the date of receipt of a copy of this order. Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar(Writs)

/True copy/

Sub Assistant Registrar

To

The IV Additional Sessions Judge, Tirunelveli.

+1 cc to Mr.T.A.Ebenezer , Advocate in SR.No. 3880

pmu

AE/SV/04.05.2017/2p/3c

ORDER MADE IN
CRL.R.C. (MD)No.634 of 2016 and
CrI.M.P. (MD)No.8312 of 2016
23.01.2017