



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.02.2017

CORAM:

THE HONOURABLE MR.JUSTICE **B.GOKULDAS**

Cr1.R.C.(MD).No.854 of 2016

Raja Lakshmi

.. Petitioner/Petitioner/Complainant

Vs.

Vellaisamy

.. Respondent/Respondent/Accused

Prayer:- Criminal Revision petition is filed under Section 397 and 401 Cr.P.C. to call for records in Cr.M.P.No.6126 of 2015 by the District Munsif Cum Judicial Magistrate, Vendasandur, dated 30.09.2016 and set aside the same.

For Petitioner :Mr.D.Venkatesh

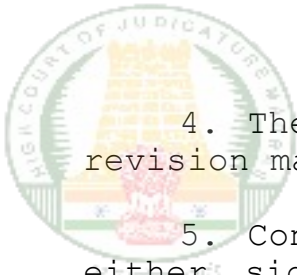
For Respondent :Mr.D.Selvaraj.

ORDER

The Criminal Revision case is filed to call for records in Cr.M.P.No.6126 of 2015 by the District Munsif Cum Judicial Magistrate, Vendasandur, dated 30.09.2016 and set aside the same.

2. The petitioner is the complainant and she filed a private complaint before the learned Judicial Magistrate, Oddanchatram against the respondent. However, the said complaint was returned with an endorsement that 'the complaint mentioned cheque dishonoured by the bank is not situated with the jurisdiction of this Court'. In re-submitting the complaint with proper compliance there was delay of 340 days. Hence, the petitioner filed the complaint along with petition in Cr.M.P.No.6126 of 2015 to condone the said delay. However, when the delay petition was taken up for hearing, the petitioner was absent. Hence, the said delay petition was dismissed. Aggrieved against the said order, the petitioner is before this Court for the relief as stated earlier.

3. The learned counsel for the petitioner submitted that the petitioner's absence on 30.09.2016 was neither willful nor wanton and an opportunity may be given to the petitioner to contest the case on merits.



4. The learned counsel for the respondents submitted that the revision may be allowed on terms.

5. Considering the submissions made by the learned counsel on either side and in order to give one more opportunity to the petitioner, the order passed by the learned District Munsif cum Judicial Magistrate, Vendasandur, in Cr.M.P.No.6126 of 2015 in C.C.No.258 of 2012 is set aside on condition that the petitioner shall pay a sum of Rs.1,000/- (Rupees One thousand only) to the credit of Legal Services Committee attached to this Bench on or before 27.02.2017. The Revision Petition is ordered to the extent indicated above.

6. Post the revision on 28.02.2017 only for compliance.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1.The Judicial Magistrate, Ottanchathiram.

2.The District Munsif cum Judicial Magistrate, Vendasandur.

+1 cc to Mr. D.SELVARAJ, Advocate, Sr.No:7632

jikr
MAS/JM:16.02.2017:2P/4C

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