



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.10.2017

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CORAM:

THE HONOURABLE MR.JUSTICE A.M.BASHEER AHAMED, J.

Cr1.R.C(MD) .No.348 of 2016

S.Ganesan

...Petitioner/Complainant

Vs

Easter Raj

...Respondent/Accused

PRAYER: Criminal Revision case filed under Section 397 r/w 401 of the Code of Criminal Procedure, praying this Court to call for the records and to set aside the order of the learned Judicial Magistrate/Fast Track Court(Magisterial Level), Thoothukudi passed under Section 204(4) of Cr.P.C., on 05.12.2014 in C.C.No.41 of 2013.

For Petitioner : Mr.B.Rooban

For Respondent : Mr.C.T.Perumal

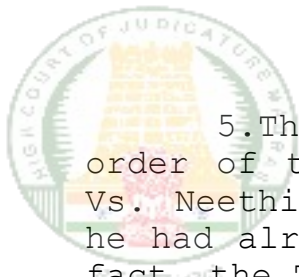
ORDER

The learned counsel for the petitioner and the learned counsel for the respondent are present.

2.Heard both sides and perused the materials available on record.

3.The Trial Court has dismissed the case of the petitioner in C.C.No.41 of 2013 filed under Section 138 of Negotiable Instruments Act against the respondent herein on 05.12.2014 in the Mega Lok Adalath for non-payment of the process fee and accordingly discharged the accused. Challenging the same, the petitioner has preferred this revision.

4.The learned counsel appearing for the petitioner states that he had paid the process fee prior to the dismissal of the case and bailable warrant was also issued by the lower Court and the same was pending till 30.10.2014. The petitioner/complainant was present on 30.10.2014 and subsequently, in view of the Mega Lok Adalath, by *suo-motu*, this case was taken in advance. Without notice to the learned counsel for the petitioner or the petitioner ~~services~~ without verifying the case records, the Trial Court dismissed the case on 05.12.2014.



5.The learned counsel for the petitioner also relied upon the order of this Court in Crl.R.C.(MD).No.138 of 2017 between Vinoth Vs. Neethi Raj Kuber, dated 14.07.2017. He further submitted that he had already paid the process fee and without verifying the said fact, the Trial Court had dismissed the case.

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6.Considering the facts and circumstances of the case, this Court is inclined to allow the revision and the order of the learned Judicial Magistrate, Fast Track Court, Thoothukudi passed in C.C.No.41 of 2013, dated 05.12.2014 is set aside and C.C.No.41 of 2013 is restored to file. The Trial Court is directed to take the complaint on file and proceed further with the case in accordance with law.

Sd/-

Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate,
Fast Track Court,
Thoothukudi.
2. The Section Officer,
Crl Section,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.C.T.Perumal, Advocate Sr.No.82892
+1cc to Mr.B.Rooban, Advocate Sr.No.82887

MSA

VB/KP/SAR4/31.10.2017/2P/5C

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