

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.07.2018

CORAM:

THE HONOURABLE MR. JUSTICE RMT.TEEKAA RAMAN
Crl.R.C.No.266 of 2018

S.Senthilkumar ...Petitioner/Appellant/Accused
..Vs..
S.Kumaresan ...Respondent/Respondent/Complainant

PRAYER: Criminal Revision Petition filed under Section 397 read with 401 of the Criminal Procedure Code, to set aside the judgment dated 02.02.2015 made in Crl.A.No.44 of 2014 on the file of the Court of the Principal Sessions Judge, Namakkal confirming the order dated 28.05.2014 made in C.C.No.219 of 2012 on the file of the Court of the Judicial Magistrate, Rasipuram.

For Petitioner : Mr.R.Nandhakumar

For Respondent : Mr.W.Camylas Gandhi

O R D E R

This Criminal Revision has been filed against the order passed in Crl.A.No.44 of 2014, dated 2.2.2015 on the file of the Court of the Principal Sessions Judge, Namakkal confirming the order dated 28.05.2014 made in C.C.No.219 of 2012 on the file of the Court of the Judicial Magistrate, Rasipuram.

2. The accused is the revision petitioner herein.

3. The respondent herein filed criminal complaint under Section 138 of Negotiable Instruments Act and the same was taken cognizance in C.C.No.219 of 2012, on the file of the learned Judicial Magistrate, Rasipuram and after trial, the learned Judicial Magistrate has laid conviction and awarded a sentence undergo six months Simple Imprisonment with fine amount of Rs.4,000/- with default clause.

4. Aggrieved against the said order of conviction and sentence passed in C.C.No.219 of 2012, the accused has preferred the appeal in Crl.A.No.44 of 2014 before the learned Principal District Judge, Namakkal.

5. It appears that on the date fixed of hearing on 2.2.2005, there was no representation for appellant and the appellant counsel was absent and accordingly, the learned Principal District Judge and Sessions Judge, Namakkal pleased to dismiss the appeal for default.

6. After hearing the both the parties and after perusing the order passed by the lower Appellate Court, in the interest of justice, this Court is of the view that a liberty has to be given to the appellant/accused and accordingly, this Criminal Revision Petition is allowed and order dated 2.2.2015 made in Crl.A.No.44 of 2014 on the file of the learned Principal District Judge and Sessions Judge, Namakkal is hereby set aside and matter is remitted back to the Principal District and Sessions Judge, Namakkal with a direction to dispose the case within a period of eight weeks from the date of receipt of a copy of this order. Further, It is hereby made clear that the revision petitioner who is in bail shall appear before the Principal District Judge, Namakkal on all hearing dates, failing which, the Court shall proceed with the matter in accordance with law.

Sd/-

Assistant Registrar(Audit)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal District Sessions Judge, Namakkal
 - 2.The Judicial Magistrate, Rasipuram
 - 3.do thro the chief Judiicial Magistrate,
Namakal
 - 4.The Superintendent,
central Prison
coimbatore.
 - 5.The Public Prosecutor,
High court madras.
- +1 cc to Mr.W.Camylas Gandhi Advocate SR.NO. 42484

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SV(CO)

ASK(24/08/2018)