

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2018

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.R.C.No.707 of 2013

Ms.KCCB Civil Construction Private Limited,
Rep.by its Accountant
B.Narayanan

... Petitioner/Complainant

Vs

R.Theivendran

... Respondent/Accused

PRAYER:

Criminal Revision filed under Section 397 and 401 of Criminal Procedure Code, to call for records relating to the order dated 17.06.2010 in Cr.M.P.No.4585/2010 on the file of the learned Judicial Magistrate No.II, Hosur, and set aside the same.

For Petitioner : No Appearance

For Respondent : Notice not served

O R D E R

This Criminal Revision case is filed to call for records relating to the order dated 17.06.2010 in Crl.M.P.No.4585/2010 on the file of the learned Judicial Magistrate No.II, Hosur, and to set aside the same.

2.A perusal of the order passed by the Judicial Magistrate No.II, Hosur dated 17.06.2010 in Crl.M.P.No.4585/2010. The revision petitioner filed complaint against the respondent under Section 138 of Negotiable Instruments Act, the complaint was dismissed by the Magistrate under Section 203 Cr.P.C., on the ground that there was no prima-facie case made out against respondent herein. The complainant filed the present revision, the grounds taken by the revision petitioner is that only if there is no ground to proceed further then only complaint can be dismissed under Section 203 Cr.P.C., the complaint cannot be dismissed on the technical ground.

3.I have perused the order passed by the learned Magistrate. The authorisation letter was issued to the deponent who has given sworn statement on behalf of the complainant before the Magistrate and there is discrepancy in the date of issuance of authorisation and meeting date of the Directors' meeting. Therefore, the person who sworn the statement has no proper authorisation to give a statement. The Magistrate finds that the deponent is not a genuine authority. However, dismissed the petition under Section 203 Cr.P.C.

4.Today, when the matter was listed for hearing, none appeared on behalf of the petitioner.

5.This Court perused the order passed by the learned Magistrate and authorisation letter given by the complainant's company on behalf of the deponent and also minutes of the meeting held on 16.06.2010 at 5.00 pm., in the Directors' meeting. Since authorisation letter even prior to the meeting of the Directors', the Magistrate found that the deponent was not competent person to speak about the complaint and without giving any proper authorisation.

6.In view of the above, the authorisation letter produced by the deponent is prior to the date of Directors' meeting. Therefore, the Magistrate has dismissed the complaint under Section 203 Cr.P.C.

7.Under these circumstances, there is no merit in the revision and there is no reason to interfere with the order passed the Judicial Magistrate No.II, Hosur.

8.Accordingly, the revision petition is dismissed.

Sd/-

Assistant Registrar(Insp.Cell)

//True Copy//

Sub Assistant Registrar

AT

To

1. The Judicial Magistrate No.II,
Hosur.

Cr1.R.C.No.707 of 2013

PA(CO)
NR/12/07/2019