

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.04.2018

CORAM:

THE HON'BLE MR.JUSTICE R.PONGIAPPAN

Crl.R.C.Nos.1173 to 1177 of 2011
and
M.P.Nos. 1+1+1+1+1 of 2011

Gopathy

.. Petitioner
(in all Crl.RC's)

Versus

K.Madhavaraj

... Respondent
(in Crl.RC.Nos.1173,1176
and 1177 of 2011)

M.Jaganathan

... Respondent
(in Crl.RC.No.1174 of 2011)

Shanmuga Sundaram

... Respondent
(in Crl.RC.No.1175 of 2011)

Criminal Revisions are filed under Sections 397 and 401 Cr.P.C. praying set aside the Judgment made in S.T.R.Nos.350, 1338, 1296, 1336, 1337 of 2007 dated 27-8-2010 respectively, on the file of the Judicial Magistrate No.III, Salem, confirmed by the Lower Appellate Court made in C.A.Nos.142, 146, 143, 144, 145 of 2010 dated 16.06.2011 respectively, on the file of Additional District Judge (Fast Track Court No.I) Salem and acquit the revision petitioner by allowing this revision.

For Petitioner : No Appearance

For Respondents: No Appearance

COMMON ORDER

Today, when the matter was taken up for consideration, there was no representation for the revision petitioner as well as respondent.

2. On going through the adjudications made in the notes papers, it appears that already on 18.08.2017 and 09.02.2018 itself, the learned counsel for the petitioner represented before this Court that the revision petitioner is no more. In this connection, on going through the facts of the case, it

appears that these revision petitions have been filed against the judgments passed by the learned Additional Judge (Fast Track Court No.I), Salem, confirming the orders of the learned Judicial Magistrate No.III, Salem in a private complaint in STR. Nos. 350, 1338, 1296, 1336 and 1337 of 2007 dated 27.08.2010 filed by the respondents for the offence punishable under Section 138 of the Negotiable Instruments Act.

3. After elaborate enquiry, the learned Judicial Magistrate had passed the judgments, in which he came to the conclusion that the revision petitioner was found guilty for the offence under Section 138 of N.I Act and hence, awarded three months simple imprisonment and to pay a fine of Rs.5,00/-, in default, to under go one year simple imprisonment. Against the said judgments, the revision petitioners have filed Criminal Appeals before the Additional District Judge (Fast Track Court-I), Salem, praying to set aside the judgments rendered by the learned Judicial Magistrate No.III, Salem. After hearing the arguments of either side, the learned Additional District Judge (Fast Track Court), Salem dismissed all the Criminal Appeals filed by the revision petitioner and confirmed the sentence awarded by the learned Judicial Magistrate No.III, Salem. Aggrieved against the said judgments, the revision petitioner is before this Court.

4. From the available records, it is seen that on 18.08.2017 itself, the learned counsel appearing for the revision petitioner submitted that the revision petitioner is no more and seeks time to bring the Legal heirs of the deceased revision petitioner. But till now, the death certificate of revision petitioner has not been filed before this Court.

5. In the said circumstances, this Court by considering the fact that these revision petitions are pending from the year 2011 onwards and also by considering the fact that none appears on behalf of the respondents to deny the representation made earlier by the learned counsel appearing for the revision petitioner with regard to the death of the revision petitioner shows that the representation made by the petitioner appears to be genuine. Hence, these revision petitions are closed as abated. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS VII)

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Sub Assistant Registrar

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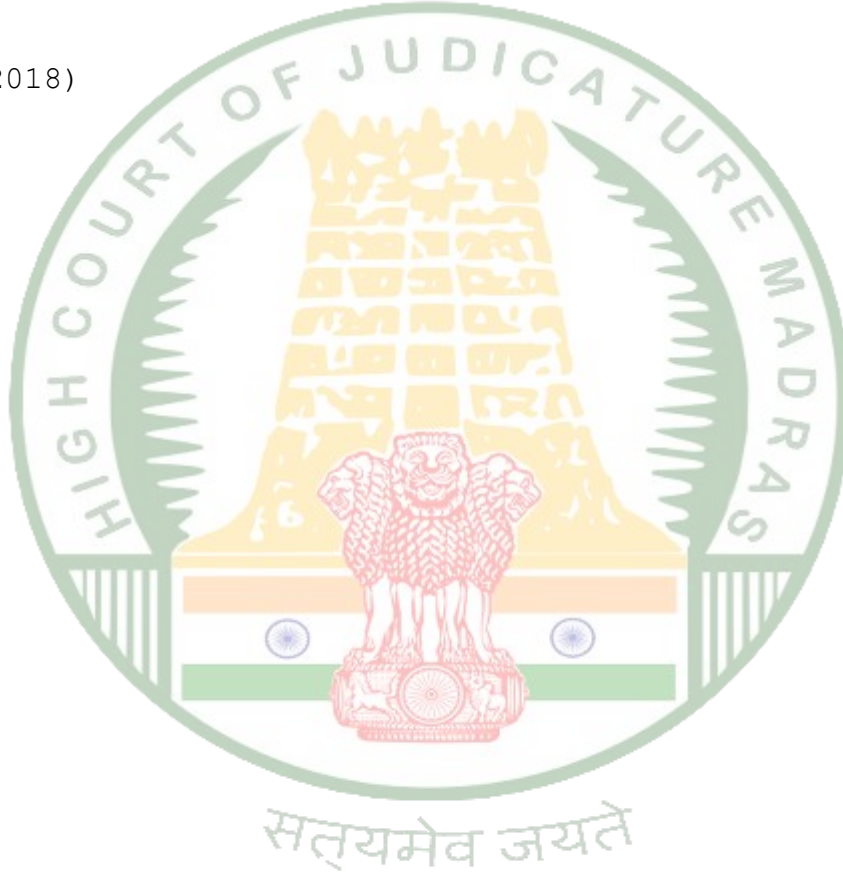
TO

1.The Additional District Judge,
Fast Track Court No.1,
Salem

2.The Judicial Magistrate No.III,
Salem.

Cr1.R.C.Nos.1173 to 1177 of 2011

CNR (CO)
GN (27/06/2018)



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