

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.02.2018

CORAM

THE HON`BLE MR.JUSTICE N.SATHISH KUMAR

Cr1.R.C.No.336 of 2011

Munusamy

... Petitioner/Complainant

Vs

P.Ranjankumar

... Respondent/Accused

Criminal Revision Case filed under Section 397 r/w 401 Cr.P.C.to set aside the order passed in CC.No.268 of 2010 dated 22.01.2011 by the learned Judicial Magistrate No.II, Kancheepuram

For Petitioner : No appearance

For Respondent : No appearance

O R D E R

No representation for the revision petitioner as well as the respondent. Perused the order of the trial Court. Despite the revision petition is pending from the year 2011, the revision petitioner has not shown any inclination to proceed the case further. Hence, this Court is disposed of the revision petition on merits.

2. The Revision Petition itself filed against the dismissal of the private complaint filed under Section 138 of Negotiable Instruments Act. The learned trial court Magistrate considered the allegations in the complaint and also the sworn statement of the complainant come to the conclusion that the alleged consideration paid by the complainant only for securing a gas agency other than the rules and regulations. On perusal of the allegations in the complaint and the sworn statement of the defacto complainant it is clearly proved one fact that the defacto complainant having applied to the Indian Oil Corporation for securing a gas agency in a short cut manner, he adopted dubious method. Admittedly the respondent is neither employee nor have any control over Indian Oil Corporation. Therefore,

the payment made to secure a gas agency illegally would not fall within the ambit of Section 23 of the Indian Contract Act. The privity of contract between the revision petitioner and the respondent is forbidden by law and such a contract is against the public policy and the consideration allegedly paid to the respondent is for unlawful purpose. Therefore, such contract cannot be enforced in the Court of law. Hence, any amount paid towards the unlawful act cannot be stated that the said act would be legal by merely obtaining a cheque from the respondent. Hence, this Court has no hesitation to hold that the order of the trial Court does not suffer from any infirmity and illegality and the same is confirmed.

3. In view of the above, the Criminal Revision Case is dismissed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

ggs

To

1. The II Judicial Magistrate,
Kancheepuram

Copy To
The Section Officer,
Criminal Section,
High Court, Madras.

सत्यमेव जयते Cr1.R.C.No.336 of 2011

VGII(CO)
CS/18/04/18

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