

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.03.2018

Coram

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

CRL.R.C.Nos.472 & 473 of 2011
and
M.P.No.1 & 1 of 2011

A.V.Ravichandran ... Petitioner in both Crl. RCs.
Vs.
1.K.Palanisamy
2.N.Vijayakumar ... Respondents in both Crl. RCs.

COMMON PRAYER: These petitions have been filed under Section 397 and 401 of Criminal Procedure Code to set aside the orders passed in C.R.P.Nos.51 & 52 of 2010 dated 17.02.2011 on the file of the Additional District & Sessions Court, Salem (Fast Track Court No.I, Salem) against the orders passed in C.M.P.Nos.515 & 514 of 2010 dated 09.02.2010 respectively on the file of the Court of Judicial Magistrate No.IV, Salem.

For Petitioner : M/s.B.Saravanan
For Respondents: No Appearance

COMMON ORDER

These Criminal Revisions have been filed as against the orders passed by the Additional District & Sessions Court, Salem, setting aside the orders passed by the Trial Court.

2.Originally the complaints under Section 138 of Negotiable Instruments Act, 1881, have been filed against the accused by the first respondent K.Palanisamy on the file of Judicial Magistrate No.IV, Salem, thereafter, the second respondent was appointed as a Power Agent.

3.When the matter stood thus, the second respondent has filed an application to withdraw the complaints which was opposed by the original complainant namely the defacto complainant, however, the Trial Court allowed the application. As against which appeal has been filed before the Additional District & Sessions Court, Salem.

4.The Revision Court taking into consideration of the entire evidence of PW1 and PW2 and also found that the Power Agent has colluded with the accused and filed the application, despite the fact that the Power was already cancelled, allowed the revision and set aside the order passed by the Trial Court. As against which the present Revision came to be filed.

5.On perusing the evidence of PW1 and PW2, this Court found that so called Power Agent never followed the complaint from the year 2007 whereas Power of Attorney given to him cancelled by Principal long back. Whereas Power of Attorney agent filed a petition to withdraw the complaint.

6.On a perusal of the entire materials, this Court does not find any infirmity or illegality in the order passed by the First Appellate Court. The First Appellate Court on revision, set aside the order of the Trial Court.

7.Accordingly, these criminal revisions are dismissed. The orders passed by the First Appellate Court is confirmed. Consequently, connected MPs are closed.

8.The Trial Court is directed to expedite the trial in C.C.No.491/2002 and C.C.No.161/2002 dispose of the same within a period of three months without influencing any observations found in the First Appellate Court or by this Court.

Sd/-
Assistant Registrar(Audit)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

To

1.The Additional District & Sessions Judge,
Salem (Fast Track Court No.I, Salem)

2.-do-thro The Principal Sessions Judge, Salem

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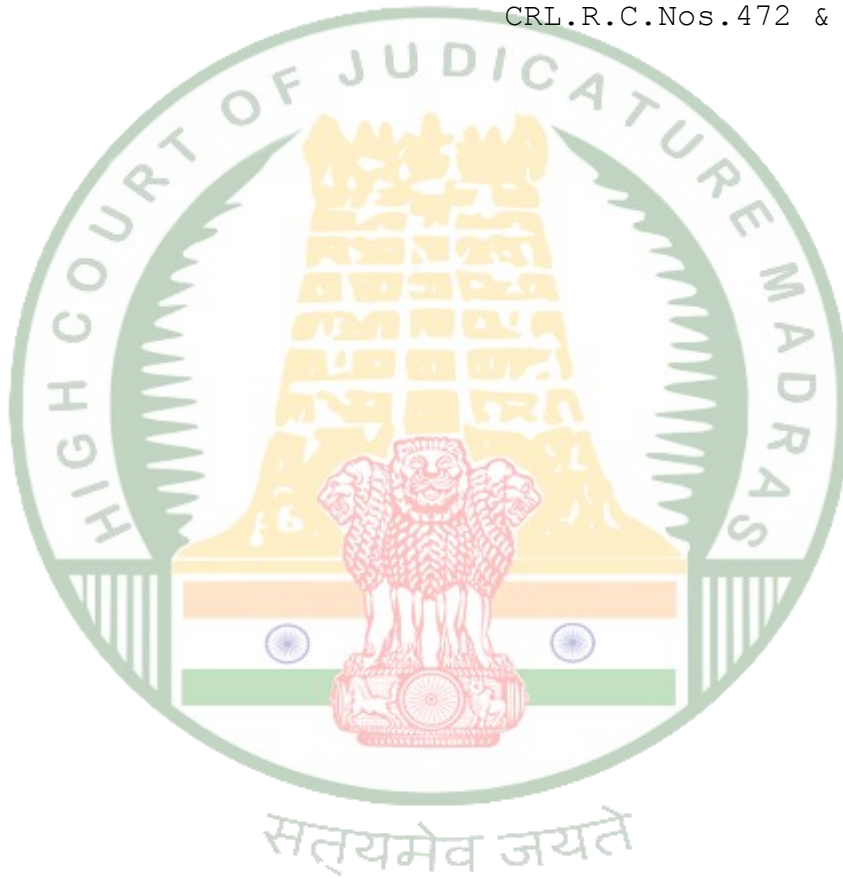
3.The Judicial Magistrate No.IV
Salem.

4.-do-thro The Chief Judicial Magistrate, Salem

+2cc to Mr.T.Sundaravadanam, Advocate Sr.No.17824 & 17826

KK(CO)
sm:16.4.2018

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