

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 29.08.2018

CORAM:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Criminal Revision No.897 of 2013
& M.P.No.1 of 2013

P.Natarajan .. Petitioner/Claimanant

.. Vs ..

C.Dhandapani .. Respondent/Accused

PRAYER: Criminal Revision filed under Section 397 r/w 401 of Cr.P.C., to call for the records in connection with the C.M.P.No.3742/2012 in C.C.No.323/2011 pending on the file of the Learned Judicial Magistrate (Fast Tract Court), Vellore, Vellore District and set aside the order dated 25.08.2012.

For Petitioner : Mr.E.Kannadasan

ORDER

Seeking to set aside the order dated 25.08.2012 in C.M.P.No.3742/2012 in C.C.No.323/2011 pending on the file of the Learned Judicial Magistrate (Fast Tract Court), Vellore, Vellore District, the petitioner is before this Court with this Criminal Revision.

2.It is the case of the revision petitioner that he filed complaint against the respondent under Section 138 of Negotiable Instruments Act, before the Judicial Magistrate No.V, Vellore, and the same was taken on file in C.C.No.213 of 2011. Subsequently, the case was transferred to the file of Judicial Magistrate, Fast Tract Court, Vellore and it was re-numbered as C.C.No.323 of 2011.

3.During the pendency of the trial, the revision petitioner filed an application in C.M.P.No.3742 of 2012 in C.C.No.323 of 2011, to amend the complaint of the petitioner by removing the word of "Insufficiency of funds" and placing of words "Account closed" in Paragraph Nos.2 and 4.

4.The learned counsel for the petitioner would submit that at the time of drafting the legal notice, due to typographical mistake, the reason for return of alleged cheque was mentioned as "Insufficient Fund" instead of "Account closed" and that the said mistake is neither wanton nor willful on the part of the petitioner and hence, the said mistakes were crept in the complaint.

5.Heard the learned counsel for the petitioner and perused the materials available on record.

6.While considering the argument advanced by the learned counsel for the petitioner, this Court is inclined to dismiss the present Criminal Revision on the grounds that even in the statutory notice itself the reason for dishonour of cheque was wrongly given. Hence, no interference is required in the order dated 25.08.2012 in C.M.P.No.3742/2012 in C.C.No.323/2011 passed by the Learned Judicial Magistrate (Fast Tract Court), Vellore, Vellore District.

7.In the result, the order dated 25.08.2012 in C.M.P.No.3742/2012 in C.C.No.323/2011 passed by the Learned Judicial Magistrate (Fast Tract Court), Vellore, Vellore District is confirmed and the present Criminal Revision is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

To

1.The Judicial Magistrate (Fast Tract Court)
Vellore, Vellore District.

2.The Judicial Magistrate V, Vellore

3.Do' Thro The Chief Judicial Magistrate, Vellore

4.The Section Officer

Criminal Section, High Court, Madras 104.

KK(CO)

sm:3.10.2018

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