



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.03.2018

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.R.C.(MD) No.161 of 2018

V.Padmavathi

... Petitioner / Accused No.1

vs.

1.A.Chidambaram

... 1st Respondent/Complainant

2.N.Anitha

... 2nd Respondent/Accused No.2

PRAYER: Criminal Revision Case filed under Section 397 r/w 401 Cr.P.C., praying to set aside the order dated 18.04.2006 passed by the learned Judicial Magistrate No.1, Virudhunagar in C.C.No.64 of 2005 dismissing the complaint as against the 2nd accused/2nd respondent herein.

For Petitioner

: Mr.Poornachandran

For Mr.S.Pon Senthil Kumaran

For Respondents

: No appearance

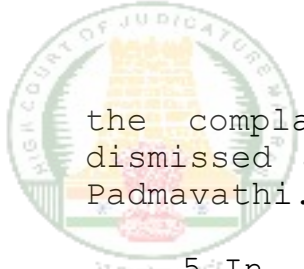
O R D E R

For the sake of convenience the parties herein are referred to by their name.

2.Heard Mr.Poornachandran, learned counsel appearing for the petitioner.

3.Chidambaram initiated a prosecution in C.C.No.64 of 2005 before the Judicial Magistrate No.1, Virudhunagar under Section 138 of the Negotiable Instruments Act against Padmavathi (A1) and Anitha (A2). Despite several opportunities given to the complainant, complainant did not file necessary batta for service of summons on Anitha (A2). On account of which, the trial Court by the impugned order dated 18.04.2006, has dismissed the complaint qua Anitha (A2). Challenging which, Padmavathi, co-accused has filed the present Criminal Revision Case with a delay of 100 days. Hence, Padmavathi filed M.P.(MD) No.1 of 2006 in Crl.R.C.(MD) No.18224 of 2006 under Section 5 of the Limitation Act. This Court has allowed the delay condonation application and has condoned the delay today.

4.Coming to the main revision application, it is seen that the trial Court has waited for more than a year for the complainant to file necessary patta for service of summons on Anitha (A2). Since



the complainant had failed to do so, the complaint has been dismissed as against Anitha and the case is proceeded as against Padmavathi.

5. In the opinion of this Court, Padmavathi can have no grievance whatsoever in respect of the order of dismissal of the complaint as against Anitha that has been passed by the trial Court. Hence, the Criminal Revision Case is devoid of merits and the same is dismissed.

Sd/-

Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar

To:

The Judicial Magistrate No.I,
Virudhunagar.

Crl.R.C.(MD) No.161 of 2018
20.03.2018

sj

JM/SKN RSK/SAR 1/03.04.2018/2P/2C