



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 23.03.2018
CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.R.C.(MD)No.174 of 2018
and
Crl.M.P.(MD)No.2355 of 2018

S.M.Maria Doss : Petitioner

Vs.

R.Venkadesh
[Power agent of S.Raja Gopal] : Respondent

PRAYER: Criminal Revision Case is filed under Section 397 r/w 401 of the Criminal Procedure Code against the order passed in Crl.M.P.No.8897 of 2009 in S.T.C.No.2023 of 2007, dated 21.10.2010 on the file of the learned Judicial Magistrate No.I, Tirunelveli.

For Petitioner : Mr.J.Ashok,
For M/s.Jayapaul Associates

ORDER

For the sake of convenience, the parties will be referred to as the complainant and the accused.

2. The complainant initiated a prosecution in S.T.C.No.2023 of 2007 before the learned Judicial Magistrate No.I, Tirunelveli under Section 138 r/w 142 of the Negotiable Instruments Act against the accused. After the evidence of the complainant side, the accused filed an application to examine the Head Constable, attached to Sathankulam Police Station as defence witness and for production of certain documents. The Head Constable appeared before the Trial Court on 04.11.2009 with records, but, neither the accused nor his counsel were present. The Trial Court adjourned the case to various dates and ultimately, after almost a year, the Trial Court passed the following order on 21.10.2010:

"Both absent. Petition filed u/s 256 and 317 Cr.P.C. witness warrant not yet executed. Considering the non-execution of witness warrant. Counsel non-co-operation by the Defence side. The witness warrant is hereby recalled. Defence side witness closed argument by 27.10.10."



Challenging the said order, the accused filed the present Criminal Revision Case with a delay of 35 days and, therefore, filed M.P.(MD) No.1 of 2011 in CrI.R.C.(MD)SR.No.5258 of 2011. This Court has condoned the delay today. However, this Court does not find any infirmity in the order passed by the Trial Court warranting interference. Hence, this Criminal Revision Case is dismissed. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub-Assistant Registrar

To

The Judicial Magistrate No.I,
Tirunelveli.

SML

RL/2C/2P/KK/SAR4/6/4/2018

Order made in
CrI.R.C.(MD)No.174 of 2018

Dated:-
23.03.2018