



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.09.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.[MD] No.5241 of 2017

Nagendran

: Petitioner

vs.

T.Govindasamy

: Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the order of the Sessions Judge of Tiruchirappalli Division, Tiruchirappalli dated 18.10.2016 in Criminal Revision Case No. 28 of 2016 and set aside the same.

For Petitioner : Mr.R.Venkatesan

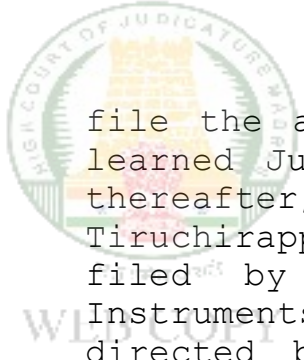
For Respondent : Mr.M.Saravanan

ORDER

This criminal original petition has been filed aggrieved by the order passed by the learned Sessions Judge of Tiruchirappalli Division, Tiruchirappalli, dated 18.10.2016, dismissing the complaint filed by the petitioner on the ground that the petitioner did not deposit the cost of Rs.200/- within the time stipulated by the Court.

2.It is seen from records that a complaint under Section 138 of Negotiable Instruments Act, has been filed by the petitioner against the respondent. The complaint was returned for certain compliance and the same was re-presented with a delay of 80 days. The delay in re-presentation was condoned by imposing a cost of Rs.200/-, which the petitioner was not able to deposit within the stipulated time. Therefore, the complaint came to be dismissed and that order came to be confirmed by the Sessions Court, Tiruchirappalli.

3.This Court finds that the petitioner has to be given one more opportunity to contest the case. The petitioner is directed to pay a sum of Rs.2,500/- as cost to the respondent within a period of one week from the date of receipt of a copy of this order. On such payment being made, the petitioner is directed to



file the acknowledgment for the receipt of the cost, before the learned Judicial Magistrate No.II, Tiruchirappalli. Immediately thereafter, the learned Judicial Magistrate No.II, Tiruchirappalli, is directed to proceed further with the complaint filed by the petitioner under Section 138 of Negotiable Instruments Act. If the petitioner fails to pay the cost as directed by this Court within the time stipulated, the order passed by the learned Judicial Magistrate No.II, Tiruchirappalli, will be revived automatically without any reference to this Court.

4.This criminal original petition is disposed of with the above direction.

Sd/-
Joint Registrar (Judicial)

/True Copy/

Sub Assistant Registrar(CS-II)

To

1. The Sessions Judge,
Tiruchirappalli Division,
Tiruchirappalli
2. The Judicial Magistrate No.II,
Tiruchirappalli.

+ 1 CC TO Mr.R.VENKATESAN, ADVOCATE IN SR No. 86175
+ 1 CC TO Mr.M.SARAVANAN, ADVOCATE IN SR No. 86258

MM

TE/PM/SAR-2 : 15/10/2018 : 2P/5C

Cr1.O.P.[MD] No.5241 of 2017
24.09.2018