

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.06.2019

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P.No.28719 of 2015
and M.P.No.1 of 2015

G.Rajesh

...Petitioner

-Vs-

S.Vijayakumar

... Respondent

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to allow the above Criminal Original Petition by setting aside the order dated 12.06.2014 passed in C.R.P.No.13 of 2013 on the file of the Principal District Court, Tiruppur against the order in C.C.No.3 of 2013 on the file of the Judicial Magistrate No.1, Tiruppur dated 13.05.2013.

For Petitioner : Mr.K.Govi Ganesan

For Respondent : Mr.A.P.Srinivas

ORDER

This petition has been filed challenging the dismissal of the Criminal Revision Petition filed by the petitioner in C.R.P.No.13 of 2013 seeking for enhancement of punishment of the respondent who was convicted for an offence under Section 138 of the Negotiable Instruments Act.

2.It is seen from records that the revision petition was dismissed for non prosecution by an order dated 12.06.2014. This order was challenged before this Court by filing the petition under Section 482 of Cr.P.C., on 26.10.2015 after nearly 1 ½ years. There is absolutely no reason assigned for this delay. It is also seen that the respondent had already deposited the cheque amount of Rs.50,000/- before the trial Court in C.C.No.3 of 2013 and the same was taken into consideration by the trial Court while imposing the sentence.

3.Heard the learned counsel for the petitioner and the learned counsel appearing on behalf of the respondent.

4.This Court does not find any grounds to entertain this Criminal Original Petition at this point of time. There are

absolutely no reasons assigned for the delay of 1 ½ years in filing the Criminal Original Petition after the revision was dismissed for non prosecution. The petitioner in fact is only attempting to whip the dead horse.

5.In the result, this Criminal Original Petition is dismissed and the petitioner is permitted to withdraw the amount that has been deposited by the respondent in C.C.No.3 of 2013 on the file of the Judicial Magistrate No.1, Tiruppur. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

rna

To

- 1.The learned Principal District Court,
Tiruppur.
- 2.The learned Judicial Magistrate No.1,
Tiruppur.

+1cc to M?S.K.Govi Ganesan, Advocate Sr.45945
+1cc to M/S.A.P.Srinivas, Advocate Sr.47044

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