

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.02.2019

Coram:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Criminal Revision Case No.575 of 2011

Dr.C.Krishnan,  
S/o.Chinnaraj,  
No.21/24, Dharmaraja Koil Street,  
Alandur,  
Chennai-600 016. ... Petitioner/Complainant

/versus/

Mr.E.Paul Ravichandran,  
No.20/106, Pudupet Street,  
Alandur,  
Chennai-600 016. ... Respondent/Accused

Prayer:- Criminal Revision Case is filed under Section 397 r/w 401 of Criminal Procedure Code, against to set aside the order passed by the learned in C.M.P.No.1144/2011 dated 24.02.2011 and direct the Learned Judicial Magistrate Alandur to take the complaint on file.

For Appellant : No appearance

For Respondent : No appearance

J U D G M E N T

No representation for the Revision Petitioner as well as the Respondent.

2. Records perused.

3. This revision petition is directed against the order of the Judicial Magistrate, Alandur, dismissing the private complaint preferred by the revision petitioner herein, on the ground that the complainant was not present to give sworn statement when the matter was called on 14.02.2011, 17.02.2011 and 24.02.2011. The revision petitioner herein has earlier filed a complaint under Section 200 of Cr.P.C for offence under Section 138 of Negotiable Instrument Act against the respondent. After presenting the complaint, he has not appeared before the Learned Magistrate to give his sworn statement, despite several

adjournment. Hence, the Learned Magistrate after recording his absence on 24.02.2011 and his previous absence on the earlier hearing dates had dismissed the complaint.

4. The present revision petition is filed on the ground that the Magistrate has not given reasonable opportunity to the complainant before dismissing the petition for default.

5. The above contention of the petitioner is ex-facie false.

6. The impugned order clearly indicates that the complainant was not only absent on 24.02.2011, when his complaint was dismissed, he was continuously absent on the earlier hearing dates on 14.02.2011 and 17.02.2011. Only after affording adequate opportunity to the complainant. The Learned Magistrate has dismissed the complaint.

7. Even in the present Revision Petition, there was no representation for the revision petitioner when the case is called.

8. In the said circumstances, this Court finds no merit in the Revision. Hence, the Criminal Revision Case is dismissed. No costs.

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

bsm

To

1. The Judicial Magistrate, Alandur.
2. do through The Chief Judicial Magistrate,  
Kanchipuram.
3. The Section Officer,  
Criminal Section, High Court, Madras.

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VD(CO)  
CSL/07.03.2019