

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2019

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.R.C.No.113 of 2016
and
Crl.M.P.No.784 of 2016

D.Nandha Kumar

.. Petitioner/Accused

Vs

S.Sivaperumal

.. Respondent/Complainant

PRAYER: Criminal Revision Case filed under Section 397 and 401 of Criminal Procedure Code, to set aside the order passed in Crl.M.P.No.7076 of 2015 in C.C.No.20 of 2014 dated 04.11.2015 by the Judicial Magistrate, (Fast Track) Tiruppur.

For Petitioner : No Appearance

O R D E R

This revision has been filed to set aside the order passed in Crl.M.P.No.7076 of 2015 in C.C.No.20 of 2014 dated 04.11.2015 by the Judicial Magistrate, (Fast Track) Tiruppur.

2.When the matter was taken up for hearing, none appeared on behalf of the petitioner. Since the matter is pending for three years from 2016 onwards, it seems that the petitioner is not interested to proceed with the case. Hence, this Court is proposed to dispose the revision on merit in the absence of the petitioner.

3.From the available records it reveals that the respondent filed a private complaint before the Judicial Magistrate under Section 200 Cr.P.C., for the offence under Section 138 of The Negotiable Instruments Act. Since the complainant is not able to appear in person, he filed the petition to recognise the power of attorney to file and proceed with the case through the power of attorney, for which he has filed CMP.No.7076 of 2015 to recognise the power agent to appear on behalf of the respondent and to proceed with the complaint. The petition was allowed by the Magistrate, against which the

accused has preferred the present revision.

4. On a perusal of the order passed by the Magistrate and the affidavit filed by the complainant through the power of attorney the complaint can be proceeded through power of attorney of the complainant/respondent.

5. On reading of the entire materials placed on record and by scrutinising the power deed, this Court does not find any reason to take a different view and does not find merit in the order passed by the Magistrate. If the complainant proceeded through the power of attorney, no prejudice will be caused to the revision petitioner/accused.

6. In the result, the criminal revision case is dismissed. Consequently connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

AT

To

1. The Judicial Magistrate, (Fast Track)
Tiruppur.
2. The Section Officer,
Criminal Section (Records),
High Court, Madras.

Cr1.R.C.No.113 of 2016
and
Cr1.M.P.No.784 of 2016

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