

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2019

CORAM :

THE HONOURABLE MR. JUSTICE P.N. PRAKASH

Crl.R.C.No.632 of 2019

T.P.Ganapathy

... Revision Petitioner/Complainant

Vs.

E.K.Malini

... Respondent/Accused

Prayer: Criminal Revision Case filed under Section 397 r/w. 401 Cr.P.C., praying to call for the records relating to the order dated 26.11.2018 made in C.C.No.7477 of 2017 on the file of the XVII Metropolitan Magistrate, Saidapet, Chennai and to set aside the same by allowing this Criminal Revision Case.

For Petitioner : Mr.Suresh
for Mr.D.Gopal

O R D E R

This Criminal Revision Case has been filed against the order dated 26.11.2018 made in C.C.No.7477 of 2017 on the file of the XVII Metropolitan Magistrate's Court, Saidapet, Chennai.

2.For the sake of convenience, the petitioner and the respondent will be referred to as complainant and accused, respectively.

3.The complainant initiated prosecution against the accused in C.C.No.7477 of 2017 under Section 138 of the Negotiable Instruments Act, before the XVII Metropolitan Magistrate, Saidapet, Chennai. Since the complainant was absent, the trial Court dismissed the complaint on 26.11.2018, challenging which, the complainant has filed the present revision case.

4.In the opinion of this Court, the impugned order is presumably under Section 256 Cr.P.C., against which, only an appeal would lie and not revision. Hence, this Criminal Revision Case is dismissed.

5.Registry is directed to handover the certified copy of the impugned order to the counsel for the complainant, after taking a photocopy of the same. The period spent by the complainant in this Court, i.e., from 11.03.2019 to 08.07.2019, shall stand excluded while computing the period of limitation for filing appeal against the acquittal.

Sd/-
Assistant Registrar(CS-III)

//True copy//

Sub Assistant Registrar

mkn

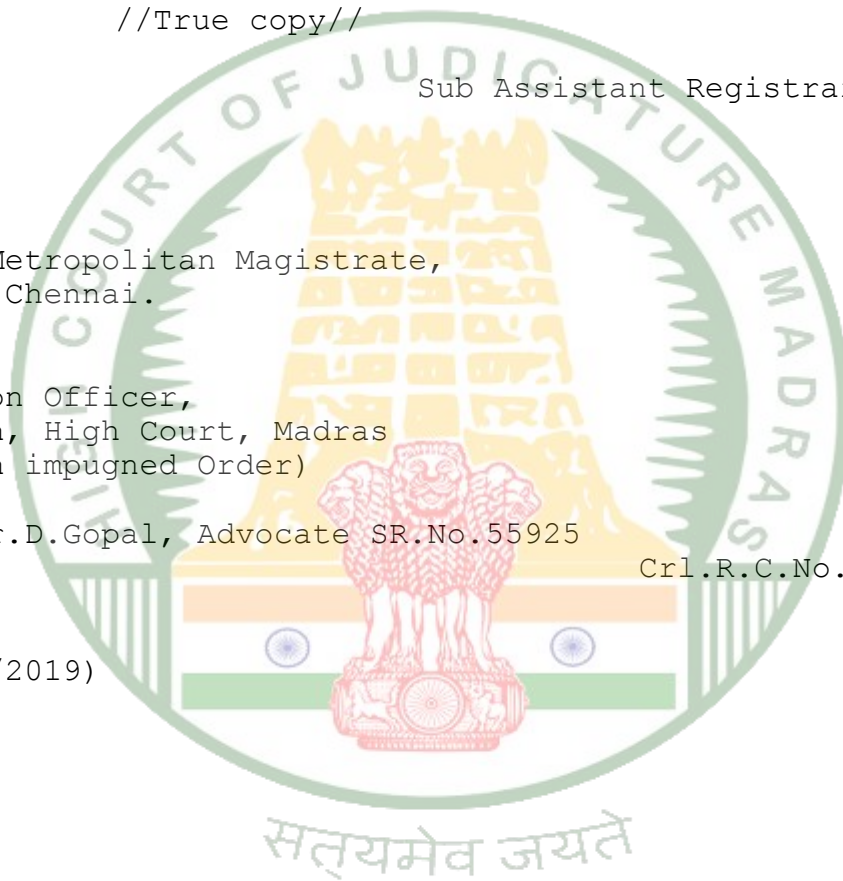
The XVII Metropolitan Magistrate,
Saidapet, Chennai.

Copy To
The Section Officer,
ER Section, High Court, Madras
(To return impugned Order)

+1cc to Mr.D.Gopal, Advocate SR.No.55925

CrI.R.C.No.632 of 2019

VD(CO)
GMY(09/07/2019)



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