

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.03.2019

CORAM:

THE HON'BLE MR.JUSTICE P.VELMURUGAN

Crl.R.C.No.313 of 2019
and
Crl.M.P.Nos.3853 & 3854 of 2019

S.Ananthan

.. Petitioner/Accused

Vs.

Dhanalakshmi

.. Respondents/Complainant

Criminal Revision filed under Sections 397 and 401 Cr.P.C. Praying to call for the records and allow the Criminal Revision by set aside the judgment dated 30.01.2019 passed in CA.No.23 of 2018 on the file of III Additional Sessions Judge, Salem District reversing the order passed in S.T.C.No.71/2015 on the file of the Judicial Magistrate Court, Fast Track Court, Attur on 17.03.2016.

For Petitioner : Mr.A.Rajakumar

O R D E R

This Criminal Revision case has been filed to set aside the judgment of conviction dated 30.01.2019 passed in Crl.A.No.23 of 2018 on the file of III Additional Sessions Judge, Salem District reversing the order passed in S.T.C.No.71 of 2015 on the file of the Fast Track Court, Attur on 17.03.2016.

2. The revision petitioner is the accused and the respondent is the complainant. The respondent/complainant filed a private complaint under Section 200 Cr.P.C., for the offence under Section 138 of Negotiable Instruments Act in S.T.C.No.71 of 2015 before the Judicial Magistrate Court, Fast Track Court, Attur. The learned Judicial Magistrate, Fast Track Court, Attur, after completing the legal procedural formalities and after the trial, dismissed the complaint and acquitted the accused. Against the said order, the complainant preferred the appeal before the III Additional Sessions Court, Salem in Crl. A.No.23 of 2018. The learned III Additional Sessions Judge, Salem, allowed the appeal by reversing the judgment passed by the learned Judicial Magistrate, Fast Track Court, Attur and convicted the accused for the offence under Section 138 of Negotiable Instruments Act and sentenced him to undergo one year

Simple Imprisonment and to pay a sum of Rs.3,00,000/- to the complainant as compensation. There against, the accused preferred the present revision.

3. The learned counsel for the petitioner would submit that the Appellate Court passed the judgment without hearing the appellant. He also pointed out the paragraph 9 in the judgment that in CrI.A.4363 of 2016, while referring the appeal to the Lower Appellate Court, this Court directed the complainant to appear before the Appellate Court and when the matter was posted before the Appellate Court, the accused has not appeared before the said Court.

4. Despite notice served on the revision petitioner/accused, he has not appeared before the Appellate Court and hence, the appeal was decided on merits. Despite the opportunity given to the revision petitioner/accused, he has not appeared before the said Court. It shows that his only intention is to drag on the proceedings. In the interest of justice, it is deem fit to direct the revision petitioner/accused to deposit the cheque amount of Rs.3,00,000/- before the learned III Additional Sessions Judge, Salem, within a period of 15 days i.e., on or before 29.03.2019. If the revision petitioner is deposited the said amount, the learned III Additional Sessions Judge, Salem is directed to take up the appeal and dispose of the same on merits and in accordance with law, within a period of one month, i.e., on or before 30.04.2019 after giving notice to the appellant therein/respondent herein.

5. Accordingly, this Criminal Revision Case shall stand allowed. The judgment of learned III Additional Sessions Judge, Salem, passed in C.A.No.23 of 2018 on 30.01.2019, shall stand set aside. The matter is remitted back to the Appellate Court for fresh consideration and disposal in accordance with law. Connected miscellaneous petitions are closed.

s/d-
Assistant Registrar (CS VI)

True Copy

Sub-Assistant Registrar

kmi

To

1. The III Additional Sessions Judge,
Salem District.

2. Do Thro The Principal Sessions Judge
Salem.

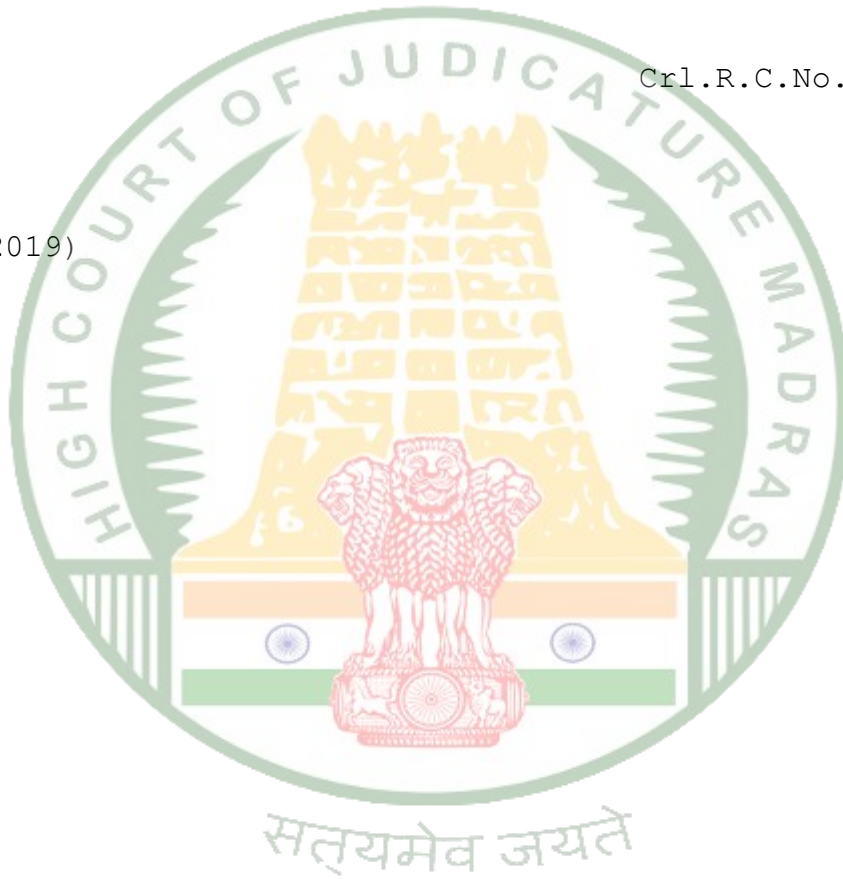
3.The Judicial Magistrate,
Fast Track Court,
Attur.

4. Do Thro The Chief Judicial Magistrate
Salem.

+1 CC to Mr.A.Rajakumar, Advocate sr 74093.

Cr1.R.C.No.313 of 2019

RSI (CO)
SP(01/04/2019)



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