

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 21.06.2019

CORAM:
THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.R.C.No.582 of 2019
and Crl.M.P.No.7876 of 2019

P.Maheswari

..Petitioner/Respondent

Vs.

R.Sathyamoorthy

..Respondent/Complainant

Criminal Revision Petition filed under Section 397 r/w 401 Cr.P.C., to set aside the order dated 03.04.2019 passed in C.M.P.No.7091 of 2018 on the file of the Judicial Magistrate Court (Fast Track Court-I), Erode.

For Petitioner : Ms.Sakthi Priya
for Mr.N.Edwin Jeyakumar

ORDER

This petition has been preferred seeking to set aside the order dated 03.04.2019 passed in C.M.P.No.7091 of 2018 on the file of the Judicial Magistrate Court (Fast Track Court-I), Erode.

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

3. The complainant initiated a prosecution before the Judicial Magistrate (Fast Track Court-I), Erode, under Section 138 of the Negotiable Instruments Act, 1881 (for brevity "the NI Act") with a delay of 914 days. Therefore, the complainant filed C.M.P.No.7091 of 2018, for condonation of delay. On notice, the accused appeared before the Trial Court.

4. The Trial Court heard both sides and it was agreed that, if the complainant pays costs of Rs.7,000/- on or before 02.04.2019, the delay can be condoned. However, when the complainant offered the said amount to the accused, the latter refused to receive the same. Therefore, the Trial Court directed the complainant to deposit the sum of Rs.7,000/- vide challan No.37 of 2019 dated 03.04.2019, pursuant to which, C.M.P.No.7091 of 2018 has been allowed on 03.04.2019.

5. Now, the accused has filed the present criminal revision petition, challenging the order dated 03.04.2019 passed by the learned Judicial Magistrate (Fast Track Court-I), Erode in C.M.P.No.7091 of 2018.

6. Heard Ms.Sakthi Priya, learned counsel representing Mr.N.Edwin Jeyakumar, learned counsel on record for the accused, who submitted that the Trial Court should not have condoned the delay of 914 days, since proper reasons were not given by the complainant.

7. On perusal of the impugned order, it is seen that the reason for delay is that the case bundle got mixed up in the advocate's office. The counsel for the complainant and the counsel for the accused agreed that the delay may be condoned on payment of costs Rs.7,000/-. The said amount has also been deposited by the complainant on 03.04.2019. Thus, the Trial Court's order being a consent order, the same cannot be challenged before this Court.

In the result, the criminal revision petition is dismissed with liberty to the accused to withdraw the sum of Rs.7,000/- that has been deposited by the complainant.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

nsd

To

The Judicial Magistrate,
Fast Track No.1,
Erode.

+1cc to Mr.N.Edwin Jeyakumar, Advocate, S.R.No.50934

PM(CO)

RRS (26/07/2019)

Cr1.R.C.No.582 of 2019

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