

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :17.07.2019

CORAM

THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

Crl.O.P.No.14989 of 2017

K.Subramanian

... Petitioner

Vs.

1.Moses Dhanabalan

2.Kotta Reddy

.... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records and set aside the order dated 22.02.2017 passed by the Principal Judge, City Civil Court, Chennai in Crl.M.P.No.16471 of 2016.

For Petitioner : Mr.R.Vijayaraghavan

For Respondents : Mr.S.Senthil Kumar (for R1)

O R D E R

This petition has been filed against the order passed by the Court below in dismissing the condone delay petition in filing the Criminal Revision, filed by the petitioner.

2.The petitioner filed a complaint before the police and based on the same, an FIR was registered and after completion of the investigation, a closure report was also filed before the learned XXII Metropolitan Magistrate Court, Saidapet. The petitioner filed a protest petition and it was taken cognizance as a private complaint by the Court below for an offence under Sections 406 and 420 of IPC.

3.The petitioner filed the petition in the pending proceedings under Section 91 of Cr.P.C. to issue summons to the learned Metropolitan Magistrate at Hyderabad to produce the cheque and in order to enable the petitioner to send the same for examination. This petition came to be dismissed by the Trial Court by an order dated 06.04.2019.

4. Aggrieved by the same, the petitioner filed a Criminal Revision before the Principal Sessions Court, Chennai with the delay of three days. The petition was dismissed by the Court below on the ground that the Criminal Revision Petition is not maintainable, since the order passed in 91 of Cr.P.C. is in the nature of an interlocutory order and the same is barred under Section 397(2) of Cr.P.C.

5. Heard the learned Counsel appearing for the petitioner.

6. This Court does not find any illegality or infirmity in the order passed by the Court below. The Trial Court has given cogent reasons for dismissing the petition and there is no ground to interfere with the same. The Revision Court was right in dismissing the petition, since the Revision Court did not have the jurisdiction to entertain the petition, in view of the fact that the order passed by the Trial Court was in the nature of an interlocutory order.

7. In the result, this Criminal Original Petition is dismissed.

rst/jas

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Principal Judge,
City Civil Court,
Chennai

2. The Principal Sessions Judge,
Chennai.

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CrI.O.P.No.14989 of 2017

Kak(12/09/2019)