



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.01.2019

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Cr1.R.C.(MD) Nos.234 and 235 of 2013

and

M.P.(MD)Nos.1 and 1 of 2013

K.Ramalakshmi

... Petitioner/Accused in both petitions

Vs.

M.Arunkumar

..Respondent in Cr1.R.C.No.234 of 2013

C.Saravanan

..Respondent in Cr1.R.C.No.235 of 2013

COMMON PRAYER: Criminal Revision Cases is filed under Section 397 r/w 401 Cr.P.C., to call for the records and set aside the order passed in C.C.No.195/2012 and C.C.No.196/2012 dated 05.10.2012 on the file of the Judicial Magistrate Court No.1, Tirunelveli by allowing this criminal revision petition.

For Petitioner : Mr.H.Arumugam
(in both petitions)

For Respondent : No Appearance
(in Cr1.R.C.No.234 of 2013)

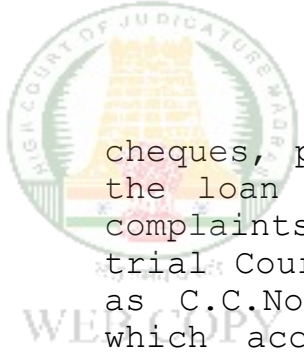
For Respondent : Mr.Janakiramalu
(in Cr1.R.C.No.235 of 2013)

COMMON ORDER

These criminal revision cases have been filed to set aside the order of the learned Judicial Magistrate Court No.1, Tirunelveli in C.C.Nos.196 and 195 of 2012 dated 05.10.2012.

2. The accused borrowed a sum of Rs.3,00,000/- and Rs.10,00,000/-, respectively as hand loan for her family needs and she gave cheques bearing cheque Nos.259316 and 215866, respectively drawn on HDFC Bank to the complainant for the said dept. When the complainant presented the cheques for collection, the same were returned as 'account closed'. Therefore, the complainant lodged the complaint under Section 138 of Negotiable Instruments Act, 1881 against the accused before the learned Judicial Magistrate No.1, Tirunelveli in S.T.C.No.628 and 204 of 2010.

3. The leaned counsel for the petitioner would submit that the husband of the petitioner borrowed the loan from his friends and while lending such loans the money lenders obtained signed unfilled



cheques, pro-notes and stamped papers as security for sanctioning the loan and subsequently by misusing the same, the above false complaints have been filed. He contended that on 05.10.2012, the trial Court converted the summary trial cases into calender cases as C.C.Nos.196 and 195 of 2012, without even commencing trial, which according to the petitioner affecting the right of the petitioner to defend his case. Hence, he has filed the present revisions to set aside the order passed by the learned Magistrate.

4. Heard the learned counsel for the petitioner and the learned counsel for the respondent and perused the records carefully.

5. On a perusal of the records this Court finds that the trial Court after considering the materials placed before it, came to the conclusion that examination of witnesses in this case is necessary. Therefore, it converted the cases from one STC to calender cases. This Court finds no illegality or infirmity in the order passed by the learned Magistrate. Accordingly, these criminal revision cases are dismissed. The Magistrate is directed to dispose of the case, after giving opportunity of hearing to both the parties, within a period of six months from the date of receipt of a copy of this order. Consequently connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(AS)

// True Copy //

Sub Assistant Registrar(CS)

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To

1.The Judicial Magistrate Court No.1,
Tirunelveli

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1CC TO MR.H.ARUMUGAM, Advocate Sr. No. 44591

Cr1.R.C. (MD) Nos.234 and 235 of 2013
31.01.2019

SMR(CO)

TR (04.07.2019) 2P 4C