



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.06.2019

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Cr1.R.C.(MD)No.635 of 2013

Manimaran
S/o.Govindasamy

.. Revision petitioner/
Complainant

Vs.

Muthu
S/o.P.Marischamy

.. Respondent/Accused

Prayer : This Criminal Revision petition is filed under Section 397 r/w 401 of Cr.P.C., to set aside the order of the learned Judicial Magistrate(Fast Track Court), Theni in S.T.C. No.230 of 2011 dated 08.06.2013 and enhance the sentence of imprisonment and compensation.

For Petitioner : Mr.R.Rajaraman

For Respondent : Mr.M.Subash Babu

ORDER

Heard the learned counsel on either side.

2. The petitioner herein is the complainant in S.T.C. No.230 of 2011 on the file of the learned Judicial Magistrate(Fast Track Court(Magisterial Level), Theni. It is a case arising under Section 138 of the Negotiable Instruments Act. By Judgment dated 08.06.2013, the respondent herein was convicted and sentenced also. Seeking enhancement, this Criminal Revision has been filed by the complainant. In the meanwhile, the accused filed C.A.No.43 of 2013 before the learned Principal District Judge, Theni. It is stated that the sentence imposed on the petitioner was suspended and the appeal was still pending.



3. Therefore, I am of the view that this Revision need not be kept pending before this Court. The Criminal Revision stands closed. The petitioner is given liberty to file a revision challenging the Judgment made in S.T.C.No.230 of 2011 seeking enhancement of the sentence imposed on the accused. If the petitioner files such a revision before the Sessions Court within a period of four weeks from the date of receipt of a copy of this order, the same shall be numbered and entertained without reference to limitation. The Revision that may be filed by the petitioner shall be taken up along with the criminal appeal filed by the accused and disposed of together on merits and in accordance with law.

No costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Principal District Judge,
Theni.
2. The Judicial Magistrate(Fast Track Court),
Theni.
3. The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court,
Madurai.(2 copies)

+1 CC to Mr.R.RAJARAMAN, Advocate (SR-68363[F] dated 13/06/2019)

+1 CC to Mr.M.SUBASH BABU, Advocate (SR-68898[F] dated 14/06/2019)

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