



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CRL RC (MD) No.762 of 2013

K.Subramani

... Petitioner/Complainant

Vs.

P.Senthil

... Respondent/Accused

Prayer : This Criminal Revision Case is filed under Section 397 and 401 of Criminal Procedure Code, to enhance the sentence passed by the STC No.509 of 2011 on the file of the Judicial Magistrate, Fast Track Court at Magisterial Level, Karur dated 02.08.2013.

For Petitioner : Mr.R.Mathiyalagan

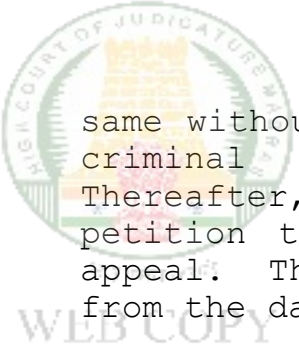
For Respondent : No appearance

ORDER

The revision petitioner herein is the complainant in STC No.509 of 2011 on the file of the Judicial Magistrate, Fast Track Court at Magisterial Level, Karur. By judgment dated 02.08.2013, the learned Trial Magistrate found the accused guilty of the offence under Section 138 of the Negotiable Instruments Act and he was sentenced to undergo one month simple imprisonment and was levied with fine of Rs.2,000/-. Seeking enhancement of punishment, this criminal revision case has been filed by the complainant.

2.When the matter was taken up for hearing, this Court posed a question to the learned counsel appearing for the revision petitioner as to whether the conviction and sentence imposed on the accused has been challenged by him by filing a criminal appeal before the first appellate court. The revision petitioner replied that Crl.A No.22 of 2013 and that the same is pending before the Sessions Court, Karur.

3.Therefore, I am of the view that the case for enhancement and the appeal questioning the conviction and sentence will have to be heard together. Therefore, this revision petition stands closed. Liberty is given to the revision petitioner/complainant to file a revision before the Sessions Court, Karur. If the revision case is filed within a period of four weeks from the date of receipt of a copy of this order, the Sessions Court, Karur shall entertain the



same without reference to the limitation and post it along with the criminal appeal filed by the accused/respondent herein. Thereafter, the Sessions Court, Karur shall hear the revision petition to be filed by the complainant along with the criminal appeal. The same shall be disposed of within a period of four weeks from the date of receipt of a copy of this order.

4. With this liberty and direction, this criminal revision case stands closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Judicial Magistrate,
Fast Track Court at Magisterial Level,
Karur.

2. The Sessions Judge, Karur.

+1 CC to M/s.R.MATHIYALAGAN, Advocate (SR-70112[F] dated 20/06/2019

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Skm

JMN(28.08.2019) 2P : 4C