

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2020

CORAM :

THE HONOURABLE MR. JUSTICE P.N. PRAKASH

Crl. R.C. No.1531 of 2012 & Crl.O.P.No.28871 of 2012
and
M.P.Nos.1 & 1 of 2012

Radhamani Amma ... Petitioner
in both cases/Accused
Vs.

M/s.Sree Gokulam Chits and Finance (P) Ltd.,
Rep. by Legal Assistant V.Karnan,
Sree Gokulam Towers,
No.66, Arcot Road,
Chennai - 600 024. ... Respondent
in both cases/Complainant

Prayer in Crl.R.C.No.1531 of 2012 : Criminal Revision Case
filed under Section 397 r/w. 401 Cr.P.C., to set aside the
order of the Metropolitan Magistrate, Fast Track Court No.II,
Egmore, Chennai, made in C.M.P.No.1100 of 2012 in C.C.No.1675
of 2008 dated 03.09.2012.

Prayer in Crl.O.P.No.28871 of 2012 : Criminal Original
Petition filed under Section 482 Cr.P.C. to call for the
records of the case in C.C.No.1675 of 2008 pending on the file
of the Court of the Metropolitan Magistrate, Fast Track Court
No.II, Egmore, Chennai, and to quash the same.

For Petitioner : Mr.A.Sasidharan
in both cases

For Respondent : Mr.R.S.Kirubakaran
in both cases

WEB COPY
COMMON ORDER

The Criminal Revision Case in Crl.R.C.No.1531 of 2012 has
been filed against the order of the Metropolitan Magistrate,
Fast Track Court No.II, Egmore, Chennai, made in C.M.P.No.1100
of 2012 in C.C.No.1675 of 2008 dated 03.09.2012.

2.The Criminal Original Petition in Crl.O.P.No.28871 of
2012 has been filed to call for the records in C.C.No.1675 of
2008, pending on the file of the Court of the Metropolitan

Magistrate, Fast Track Court No.II, Egmore, Chennai, and to quash the same.

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

4.The complainant has initiated a prosecution in C.C.No.1675 of 2008 before the Metropolitan Magistrate, Fast Track Court No.II, Egmore, Chennai, for the offence under Section 138 of the Negotiable Instruments Act, against the accused.

5.It is the case of the accused that the complaint was filed with a delay of nine days and the trial Court had condoned the said delay without issuing notice to the accused and that the accused came to know of it only during the cross-examination of the complainant as P.W.1. On the ground that the delay was condoned behind the back of the accused, the accused has filed the present Criminal Revision Case and Criminal Original Petition.

6.When the matter was taken up for hearing, learned counsel for the petitioner/accused submitted that he withdraws both the cases and that the accused will not raise the issue of limitation or the condonation thereof before the trial Court, and would contest the case on other points, as this Court was not inclined to allow these petitions.

7.In view of the endorsement made by the learned counsel for the petitioner/accused, CrI.R.C.No.1531 of 2012 and CrI.O.P.No.28871 of 2012 are dismissed as withdrawn. Consequently, connected miscellaneous petitions are closed.

8.The parties are directed to appear before the trial Court either in person or through their Advocates on 17.02.2020 and the trial Court is directed to proceed with the case in C.C.No.1675 of 2008 on merits.

Registry is directed to send back the original records forthwith to the trial Court.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

mkn

Copy to :

1.The Metropolitan Magistrate,
Fast Track Court No.II,
Egmore, Chennai.

2.The Deputy Registrar
(Criminal Section),
High Court, Madras.

+1cc to Mr.R.S.Kirubakaran , Advocate SR.No. 5155

Cr1. R.C. No.1531 of 2012 &
Cr1.O.P.No.28871 of 2012

A.SK(30/01/2020)



WEB COPY