

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 20.02.2020
CORAM
THE HONOURABLE MR.JUSTICE R.MAHADEVAN
Crl.R.C.No.256 of 2020

R.Gunasekaran

..Petitioner

Vs

K.R.Venkatesan

..Respondent

Prayer:- Criminal Revision Case filed under Section 397 read with 401 of Cr.P.C. praying to set aside the order dated 30.12.2019 passed by the Judicial Magistrate Fast Track Court, Magistrate Level, Hosur, in STC No.222 of 2016.

For Petitioner : Mr.R.Marudhachalamurthy

ORDER

The Criminal Revision Case is directed against the order dated 30.12.2019 passed by the learned Judicial Magistrate, Fast Track Court, Magistrate Level, Hosur, in STC No.222 of 2016.

2.The petitioner is the complainant, who lodged a private complaint against the respondent for the offence under Section 138 of the Negotiable Instruments Act. The said complaint was taken on file as STC.No.222/2016 by the learned Judicial Magistrate Fast Track Court, Magistrate Level, Hosur. Taking cognizance of the same, the trial Court issued summons to the respondent. On receipt of the same, the respondent appeared and thereafter, failed to co-operate with the trial. In view of non-appearance of the respondent, the trial court issued a NBW against him, for which, the petitioner has to pay process fee, but he failed to do so. Further, he was called absent. Hence, the trial Court dismissed the complaint under Section 204(4) Cr.P.C, by order dated 30.12.2019, which is impugned herein.

3.The learned counsel for the petitioner submitted that without providing sufficient opportunity to the petitioner, the trial Court has passed the impugned order in a hasty manner and hence, the same is liable to be set aside. The learned counsel further submitted that the petitioner now, undertakes to appear before the trial Court on all the hearing dates without fail and also pay the required fee for the process of the case.

4.Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel for the petitioner, this Court, in order to provide an opportunity

to the petitioner and also in the interest of justice, is inclined to set aside the order impugned herein.

5. Accordingly, the order dated 30.12.2019 passed by the Judicial Magistrate Fast Track Court, Magistrate Level, Hosur, in STC.No.222 of 2016 is set aside and the matter is remanded back to the trial Court for fresh consideration. The petitioner is directed to take immediate steps to process the case and appear before the trial Court without any default.

6. This Criminal Revision Case stands allowed in the above terms.

-s/d-
Assistant Registrar

//True Copy//

Sub-Assistant Registrar

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To
The Judicial Magistrate
Fast Track Court, Magistrate Level,
Hosur.

+1cc to Mr.R.Marudhachalamurthy, Advocate in sr.no.15441

Cr1.R.C.No.256 of 2020

BP (Co)
gp (27/05/2020)

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