

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON: 14.08.2020

DELIVERED ON: 18.08.2020

CORAM :

THE HON'BLE MR. JUSTICE P.N. PRAKASH

CrI.R.C. No.664 of 2020

Ramakrishnakumar Petitioner/Complainant

vs.

A. Arachelvi Respondent/Accused

Criminal Revision filed under Sections 397 and 401 Cr.P.C. seeking to set aside the order dated 20.02.2020 passed in S.T.C. No.80 of 2017 on the file of the Judicial Magistrate (Fast Track Court) No.I, Erode.

For petitioner Mr. A. Sundaravadhanan

ORDER

The petitioner filed a complaint in S.T.C. No.80 of 2017 under Section 138 of the Negotiable Instruments Act, 1881, before the Judicial Magistrate (Fast Track Court) No.I, Erode, against the respondent, which has been dismissed on 20.02.2020 under Section 204(4) Cr.P.C. on the short ground that the complainant had failed to pay the process fee. Challenging the said order, the complainant has filed the instant criminal revision.

2 The learned counsel for the petitioner/complainant submitted that the process fee of Rs.25/- was paid on 06.01.2020 itself, but, the Bench Clerk had failed to bring it to the notice of the Magistrate on 20.02.2020, which has resulted in the passing of the impugned order. In support of this contention, the learned counsel submitted the certified copy of the process fee register extract, a perusal of which, shows that the process fee of Rs.25/- has been paid on 06.01.2020 vide serial no.272 in S.T.C. No.80 of 2017.

3 In such perspective of the matter, the impugned order dated 20.02.2020 is liable to be set aside on the short, but, seminal principle actus curiae neminem gravabit and it is accordingly set aside.

In the result, this criminal revision is allowed and as a sequitur, the case in S.T.C. No.80 of 2017 is restored to the file of the Judicial Magistrate (Fast Track Court) No.I, Erode. The complainant shall appear before the learned Magistrate within a period of two weeks from the date of the parties being permitted to enter into Courts.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

cad
To

1 The Judicial Magistrate (Fast Track Court) No.I
Erode

2 The Public Prosecutor
High Court, Madras.

+ lcc to Mr.A.Sundaravadhanan, Advocate in SR.No.27259

Crl.R.C. No.664 of 2020

sks (co)
rr ii (26/08/2020)

सत्यमेव जयते

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