

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CRL.RC.No.1124 of 2020
and CRL.M.P.No.7791 of 2020

R.V.M.Saravanan
S/o.R.V.Meenashisundaram

..Petitioner/Accused

/versus/

M.Chinadurai,
S/o.Maruthamuthu

..Respondent/Complainant

Prayer: Criminal Revision Case filed under Sections 397 r/w 401 of the Code of Criminal Procedure, filed against the order passed by the Judicial Magistrate FTC-II, Erode in Crl.M.P.No.7757 of 2019 in S.T.C.No.249 of 2017 dated 29.09.2020.

For Petitioner : Mr.V.S.Kesavan

ORDER

This Criminal Revision Petition is filed against the order passed by the Judicial Magistrate FTC-II, Erode in Crl.M.P.No.7757 of 2019 in S.T.C.No.249 of 2017 dated 29.09.2020.

2. The case of the prosecution is that the petitioner/accused had filed a petition in C.M.P.No.7757 of 2019 in S.T.C.No.249 of 2017 before the learned Judicial Magistrate (Fast Track Court No.II), Erode to permit him to summon the witnesses namely (i) The Manager, Lakshmi Vilas Bank, Brough Road, Erode Branch (ii) The Manager, Indian Overseas Bank, Ooty Branch, (iii) The Manager, Indian Bank, Main Branch (iv) The Superintendent of Police, Erode (v) CPIO and Senior Superintendent of Post Office, Erode. On hearing the submission of the petitioner as well as the respondent, the Trial Court had allowed the petition directing the petitioner to summon the documents from the witnesses 1, 3 to 5 with a condition to pay a sum of Rs.1,000/- to the respondent on or before 16.04.2020, failing which, the petition would stand dismissed and call the matter on 17.04.2020. This order came to be passed on 20.03.2020. On that day, since the Courts were closed due to

pandemic situation, the case was listed on 29.09.2020. On 29.09.2020, since there was no representation for the petitioner, the order in C.M.P.No.7757 of 2019 in S.T.C.No.249 of 2017 passed on 20.03.2020 came to be dismissed for default.

3. The learned counsel for the petitioner would submit that the order in C.M.P.No.7757 of 2019 in S.T.C.No.249 of 2017 came to be passed on 20.03.2020 with a condition that the petitioner was directed to deposit a sum of Rs.1,000/- to the respondent on or before 16.04.2020. After 23.03.2020, the Courts were closed due to COVID-19 pandemic situation. He would further submit that the petitioner was not aware about the hearing of the case on 29.09.2020. Hence, he could not appear before the Lower Court on 29.09.2020 and pay the costs of Rs.1,000/- to the respondent on or before 16.04.2020. Thereafter, the petitioner had approached the Lower Court only on 29.10.2020. Hence, the same is to be considered. Further, he undertakes to deposit a sum of Rs.1,000/- to the respondent in compliance of the order of the Lower Court in C.M.P.No.7757 of 2019 in S.T.C.No.249 of 2017.

4. Considering the submission of the learned counsel appearing for the petitioner, this Court is inclined to set aside the order of the Lower Court dated 29.09.2020 in C.M.P.No.7757 of 2019 in S.T.C.No.249 of 2017 and direct the petitioner to comply with the order dated 20.03.2020, directing the petitioner to make payment of Rs.1,000/- to the respondent/complainant within a period of two weeks from the date of receipt of a copy of this Order. It is made clear that no further time would be granted to the petitioner.

5. With the above observations, the Criminal Revision Petition stands allowed. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (CS-III)

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Sub Assistant Registrar

ssb

To:

The Judicial Magistrate, Fast Track Court No.II, Erode.

+1cc to Mr.V.S.Kesavan, Advocate, SR.No.39525

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