



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.12.2020

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.R.C. (MD)No.778 of 2016

WEB COPY

Employee's State Insurance Corporation,
Rep. by Insurance Inspector (Legal),
R.Venkalakshmi,
Sub Regional Office,
K.K.Nagar, Madurai,
(Town Police Station Limit, Sivakasi) ... Petitioner/Complainant

Vs.

S.Ramesh ... Respondent/Accused

Prayer: Criminal Revision Case filed under Section 397 r/w. 401 of Cr.P.C, to call for the records to the impugned order dated 01.07.2016 made in Crl.M.P.No.5479 of 2015 in unnumbered S.T.C. of 2015 on the file of Judicial Magistrate, Sivakasi and set aside the same and allow the petitioner to pay the cost within the time limit prescribed by this Court.

For Petitioner : Mr.I.Pinaygash

For Respondent : Mr.R.Gowrisankar

O R D E R

Heard the learned counsel on either side.

2.The petitioner is the complainant in a case arising under Section 138 of the Negotiable Instrument Act. The private complaint was not filed within the time. There was delay of 48 days in presenting the private complaint. To condone the same, Crl.M.P.No.5479 of 2015 was filed. It was allowed on condition that the petitioner should pay costs of Rs.500/- to the respondent on or before 01.07.2016. There was omission to pay the said amount. Therefore, the complaint suffered an automatic dismissal for default. Questioning the same, this criminal revision case has been filed.

3.The learned counsel appearing for the respondent states that the impugned order does not warrant any interference and called upon this Court to dismiss this criminal revision case.

4.The revision petitioner is a statutory body. It was incorporated for the welfare of the workers and employees. The delay in filing the complaint is not inordinate. I am of the view



that for failure to pay the nominal costs of Rs.500/-, the petitioner should not be deprived of the opportunity of pursuing the complaint. Interest of justice requires that one more opportunity should be given to the petitioner. The learned counsel for the petitioner states that a sum of Rs.1,000/- will be deposited to the credit of Crl.M.P.No.5479 of 2015 on the file of the learned Judicial Magistrate, Sivakasi, within a period of two weeks from the date of receipt of a copy of this order. On such deposit, the same can be withdrawn by the respondent towards his costs or in the alternative, the same can be paid directly to the counsel for the respondent appearing in the Court below.

5. Subject to fulfillment of the aforesaid condition, the order impugned in this criminal revision case is set aside and the criminal revision case is allowed. The learned Judicial Magistrate, Sivakasi, is directed to number the subject private complaint filed by the revision petitioner immediately and dispose of the same on merits and in accordance with law within a period of six months from the date of numbering of the private complaint. Since the respondent has been served in this criminal revision case, both the petitioner as well as the respondent are directed to appear before the Court below on 17.12.2020.

Sd/-

Assistant Registrar (CS-III)

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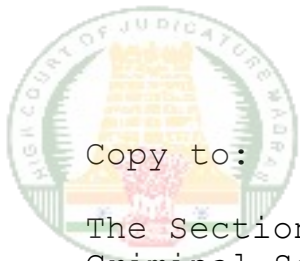
Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

To:

1. The Judicial Magistrate,
Sivakasi.
2. The Chief Judicial Magistrate,
Srivilliputhur at Viruthunagar District.



Copy to:

The Section Officer,
Criminal Section(Records),
Madurai Bench of Madras High Court,
Madurai.(2 Copies)

Cr1.R.C. (MD) No.778 of 2016

03.12.2020

NS (CO)

NR (10/12/2020) 3P : 5C