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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.R.C.No.429 of 2021

Kamaraj

...Petitioner/Complainant

Vs.

Madhaiyan

...Respondent/Accused

PRAYER: This Criminal Revision is filed under Section 397 read with Section 401 of Criminal Procedure Code, 1973, to set aside the order dated 11.12.2020 made in Crl.M.P.No.1753 of 2020 in Un.STC.No. of 2020 on the file of the Judicial Magistrate Court at Palacode.

For Petitioner : Mr.T.L.Thirumalaisamy

O R D E R

The present criminal revision has been filed to set aside the order dated 11.12.2020 made in Crl.M.P.No.1753 of 2020 in Un.STC.No. of 2020 on the file of the Judicial Magistrate Court at Palacode.

2. Admittedly, the petitioner has filed a complaint before the learned Judicial Magistrate, Palacode. The learned Magistrate by an order dated 11.12.2020 dismissed the complaint stating that the petitioner has not sent statutory notice within 30 days.

3. Challenging the above said order, petitioner has filed the present revision before this Court and quoting the Government Orders and also order of Hon''ble Supreme Court to extend the time as applicable for filing the case alone within the stipulated time and not for sending the notice.

4. Unless, the petitioner is not able to send notice, there is no bar to represent the cheque and receive the cheque and he has not done the same, but he kept quiet and he filed a case only based on the time barred notice and therefore, this Court does not find any perversity and illegality in the order passed by the learned Magistrate.



5. Accordingly, the criminal revision is dismissed in the admission stage itself.

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Sd/-
Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

dm

To

The Judicial Magistrate,
Palacode.

+1cc to Mr.T.L.Thirumalaisamy, Advocate Sr.No.34615

Cr1.R.C.No.429 of 2021

UM(CO)
RVM(09/08/2021)