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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

Crl.R.C.No.1474 of 2017
and
Crl.M.P.No.14608 of 2017

Vettriventhan ... Petitioner/Accused

Vs.

U.Settu ... Respondent/Complainant

PRAYER: This Criminal Revision Case has been filed under Section 397 read with Section 401 of Cr.P.C, to set aside the order of the learned Judicial Magistrate No.I, Thirupattur, dated 02.11.2017 made in CMP.No.3317 of 2017 in STC No.414 of 2015.

For Petitioner : Mr.I.Periaswamy

For Respondent : Mr.E.Kannadasan

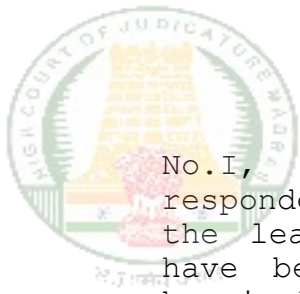
O R D E R

The learned counsel for the revision petitioner/accused would submit that the respondent/complainant has filed a case in STC.No.414 of 2015, before the learned Judicial Magistrate No.1, Thirupattur, Vellore District, against the revision petitioner/accused for dis-honouring the cheque issued by him for an amount of Rs.11,55,000/-.

2.Before the Trial Court, after completion of examination of the complainant side witnesses, the case was posted for examining the defence witnesses.

3.On a perusal of records, it is seen that several number of opportunities were given to the defence and hence, subsequently, suo-motu defence side evidence was closed.

4.Thereafter, the complainant has filed a petition in CMP.No.3317 of 2017, before the learned Judicial Magistrate



No.I, Thirupattur, to adduce evidence on behalf of the respondent/complainant and the said petition was dismissed by the learned Magistrate by observing that several applications have been filed by the accused and the revision petitioner herein has not availed the opportunity. The learned counsel for the revision petitioner/accused would contend that an opportunity has to be given to the accused to establish his case.

5.The learned counsel for the respondent heard.

6.No doubt it is true that several opportunities were given to the respondent before the Trial Court to rebut the presumption but however, under the process of giving an opportunity to the respondent before the Trial Court/accused the case was prolonged for several years. Sufficient opportunities appears to have been given by the learned Magistrate and since there is a statutory provision in favour of the revision petitioner/accused for giving an opportunity to adduce his evidence.

7.Taking into consideration the quantum of the amount involved in the cheque and several number of opportunities have been given as a pre-condition, the revision petitioner herein/accused is hereby directed to deposit a sum of Rs.2,50,000/- within a period of eight weeks from the date of receipt of a copy of this order.

8.With the above direction, this Criminal Revision Case stands allowed. The learned Judicial Magistrate No.I, Tirupattur, is directed to complete the trial in S.T.C.No.414 of 2015 and to dispose of the case, within a period of eight weeks from the date of receipt of a copy of this order. Consequently, connected Miscellaneous Petition stands closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

dua
To

1.The Judicial Magistrate No.I,
Thirupattur.



2.-Do- Thro The Chief Judicial Magistrate,
Vellore.

+1cc to Mr.E.Kannadasan, Advocate Sr.31874

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