



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATE : 15.12.2021
CORAM

THE HON'BLE MR JUSTICE G.ILANGO VAN

Crl. R.C.(MD)No.936 of 2021

WEB COPY

G.Subramanian

.. Petitioner/Complainant

Vs.

S.Azhagesan

.. Respondent/Accused

Prayer : This criminal revision case is filed under Section 397 of Cr.P.C. r/w. Section 401 Cr.P.C., to set aside the order passed by the learned Judicial Magistrate, Paramakudi, in S.T.C.No.452 of 2016, dated 11.11.2019 and consequently, directing the learned Judicial Magistrate to restore the complaint to proceed with the trial of the case by allowing this Criminal Revision Petition.

For Petitioner : Mr.K.Mahendran

ORDER

This Criminal Revision Case has been filed to set aside the order passed in S.T.C.No.452 of 2016, on the file of the Judicial Magistrate, Paramakudi, dated 11.11.2019 and consequently, directing the learned Judicial Magistrate to restore the complaint to proceed with the trial of the case by allowing this Criminal Revision Petition.

2.The petitioner is the complainant, before the Trial Court and the complaint was registered under Section 138 Negotiable Instrument Act. When the matter is taken up for hearing there is no representation for the accused. But, the learned counsel for the petitioner/defacto complainant is present.

3.It is observed by the Trial Court that for more than six months, the matter has been dragged on by the parties stating that the matter is going to be compromised. So, taking note of the above said fact, the matter was dismissed stating that there is no appearance of the complainant. But, however, liberty is given to the petitioner to approach the Court if he wants to proceed the matter further. Since liberty was given to the petitioner to approach the Court for filing restoration petition, the same can be exercised by the petitioner. But, the matter can be disposed of with a direction to the petitioner to approach the concerned Court with appropriate petition for restoring the complaint. If such petition is filed, the Trial Court may consider the same by taking into account its own observation and liberty in the above said



4. The grievance that has been expressed by the learned counsel for the petitioner is that the delay in filing the restoration petition may also be ordered to be condoned. It appears that it is a reasonable request.

5. Considering the facts and circumstances of the case and also considering the fact that already liberty was given to the petitioner, the Trial Court shall be entertained the restoration petition without minding the delay and pass orders in the restoration petition on merits and in accordance with law, thereafter, the trial shall be completed within a period of 5 months from the date of receipt of a copy of this order.

6. With the above direction, this Criminal Revision Petition is disposed of.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

dss

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,
Paramakudi.
2. The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.K.MAHENDRAN, Advocate (SR-38953[F] dated 15/12/2021)

Crl. R.C. (MD)No.936 of 2021

15.12.2021

USK (30.12.2021) 2P 4C