



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2022

CORAM:

THE HON'BLE Mr. JUSTICE N.SESHASAYEE

Criminal Revision Case No.167 of 2022

&

Crl.M.P.No.1569 of 2022

1. M/s.L.C.C.Mill Pvt Ltd.,
13/1, Appachi Nagar Main Road,
Tiruppur - 641 607

2. Hakkim Adbdul Ajeez

3. Meharaj

... Petitioners

Versus

M/s.Selvakumar Spinners,
Rep by its Executive Director P.Praveen,
10/3, Selva Nagar,
Thandampalayam Post,
Erode District.

... Respondent

Criminal Revision Case filed under Sections 397 r/w 401 of Criminal Procedure Code, to set aside the order passed by the learned Judicial Magistrate/Fast Track Court No-II at Erode in C.M.P.No.9884 of 2019 in Un-Numbered STC.No. of 2019 dated 20.11.2021.

For Petitioner : Mr.Ma.P.Thangavel

O R D E R

This Revision is directed by the petitioners/Accused challenging an Order of the Judicial Magistrate/Fast Track Court No-II at Erode in CMP.No.9884 2019 for condonation of delay in representing the complaint filed by the respondent for an offence under Section 138 of NI Act.

2.The Learned Magistrate has taken a view that condoning the delay in Revision is essentially a matter between the Court and the complainant.



3.Mr.Ma.P.Thangavel, the learned counsel appearing for the Revision Petitioners did his best to convince the Court that the defacto complainant has initiated multiple proceedings against the Revision Petitioners and some of these proceedings were initiated between the date of return of the complaint and its representation. He also added that some mediation talks have also taken place at the initiative of this Court and he submitted that the Revision Petitioners are being harassed almost relentlessly by the respondent herein. He also submitted that there is a great possibility of settlement of all the outstanding disputes.

4.This Court appreciated every bit of the submissions of the learned counsel for the Revision Petitioners but, they essentially touch upon the merit of the matter, which at this stage is one stage too early. This Court in this Revision is essentially concerned with any error in the exercise of jurisdiction by the learned Master in condoning the delay vis-a-vis the limited scope of the Revision, the nature of jurisdiction exercised by the Learned Magistrate.

5.This Court does not find any error in the approach of the Learned Magistrate. Hence, this Court cannot entertain the Revision and accordingly, the Revision Petition is dismissed. Consequently, the connected miscellaneous petition is closed.

6.It is now open to the Revision Petitioner to take such necessary defense before the trial Court when once the complaint is considered fit enough to be taken on record by the learned Magistrate, which may also include an offer of a settlement package of other issues.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

Tsg
To

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

+1cc to Mr.Ma.P.Thangavel, Advocate, S.R.No.9934

Cr1.R.C.No.167 of 2022

MT[co]
NSK 15/03/2022