



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.06.2022

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.R.C.No.389 of 2022

Rajarajan @ Sons
Rep by its Partner
Rajarajan
Puducherry - 4.

...Petitioner/Petitioner/Accused
Vs

Arunasalame

...Respondent/Respondent/Complainant

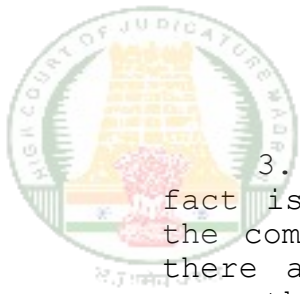
Prayer: Criminal Revision Case filed under Section 397 read with 401 Cr.P.C, to set aside the order dated 23.02.2022 in Crl.M.P.No.6873 of 2021 in STC No.831 of 2015 passed by the Judicial Magistrate III, Pudhucherry and consequently dismiss the STC No.831 of 2015 on the file of the Judicial Magistrate III, Pudhucherry.

For the Petitioner : Mr.A.Arokia Satheesh

O R D E R

This revision is filed by the petitioner aggrieved by the order dated 23.02.2022 passed by the learned Judicial Magistrate III, Pudhucherry in Crl.M.P.No.6873 of 2021 in STC No.831 of 2015.

2. The petitioner filed an affidavit before the Trial Court stating that the complaint was filed beyond the period of limitation and therefore, prayed for discharge. The said affidavit however has been taken on file as Crl.M.P.No.6873 of 2021 and is now disposed of by the order impugned by this revision. The learned Magistrate has taken into account that the legal notice was issued on 10.07.2015 and the fifteen days time from the legal notice expired on 25.07.2015 and the complaint which is filed on 17.08.2015 and the complaint was originally filed on 17.08.2015 erroneously before the learned Judicial Magistrate I, Pudhucherry and thereafter, represented before the concerned Court on 25.08.2015. Therefore, the Trial Court considered that even the presentation before the wrong Court had saved the limitation.



3. Learned counsel for the petitioner submits that the said fact is highly doubtful and unlikely, because, in the copy of the complaint filed by the respondent/complainant, in two pages there are two seals by the present Court, in which, one seal says that "9th September, 2014". When the case itself pertains to the year 2015, no such seal could have been there in the complaint. Therefore, he doubts the very date of presentation and other particulars as given by the complainant.

4. Since the entire arguments are in the nature of disputed facts, the same cannot be gone into by this Court, especially when there is no provision for discharge in summons case. Therefore, giving liberty to the petitioner to cross examine the complainant in detail about this aspect and leaving open the question of limitation to be considered along with all other questions in trial, this revision is disposed of. Consequently, CrI.M.P.No.3945 of 2022 is also closed.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

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To

The Judicial Magistrate III,
Pudhucherry

+1cc to M/s.A.Arokia Satheesh, Advocate, S.R.No.36557

CrI.R.C.No.389 of 2022

SSD(CO)
RGA(05/07/2022)