



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.04.2022

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**
Crl.R.C. (MD)No.365 of 2022

Easurajan ... Petitioner/Complainant

Vs.

G.I.Subi ... Respondent/Sole Accused

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records pertaining to the order passed in C.C.No.378 of 2021 on the file of the Judicial Magistrate Court, Vallioor, dated 10.11.2021 and set aside the same.

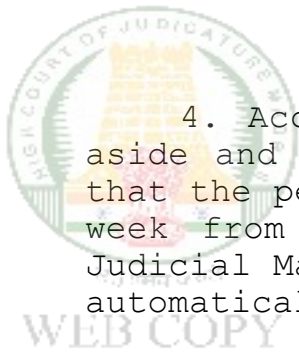
For Petitioner : Mr.T.Selvan

O R D E R

This Criminal Revision Case has been filed to set aside the order passed in C.C.No.378 of 2021 on the file of the Judicial Magistrate Court, Vallioor, dated 10.11.2021, thereby, dismissing the complaint lodged by the petitioner for non-prosecution in the criminal complaint filed by the petitioner under Section 138 of the Negotiable Instruments Act.

2. The petitioner is the complainant and he lodged a complaint as against the respondent for the offence punishable under Section 138 of the Negotiable Instruments Act, alleging that on 01.02.2020, the respondent borrowed a sum of Rs.9,00,000/- (Rupees Nine Lakhs only). In order to repay the same, he issued a cheque and the same was presented for collection. The same was dishonored with memo stating that 'payment stopped by the drawer'. After issuing notice to the respondent, the petitioner filed a complaint and the same has been taken cognizance in C.C.No.378 of 2021 on the file of the Judicial Magistrate Court, Vallioor. However, the petitioner failed to pay the process fee and he was also absent on 10.11.2021.

3. Considering the above circumstances, the petitioner may be given one more opportunity to pay the process fee to proceed his complaint filed for the offence under Section 138 of the Negotiable Instruments Act.



4. Accordingly, the order passed in C.C.No.378 of 2021 is set aside and the Criminal Revision Case is allowed with the condition that the petitioner shall pay the process fee within a period of one week from the date of taking the complaint on the file of the Judicial Magistrate Court, Vallioor, failing which this order stands automatically vacated.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To:-

1. The Judicial Magistrate Court,
Vallioor.

COPY TO:

The Section officer, Criminal Section,
Madurai Bench Of Madras High Court, Madurai. (2 COPIES)

Crl.R.C.(MD)No.365 of 2022

12.04.2022

_RD(28.04.2022) 2P 4C