



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Monday, the Fourth day of July Two Thousand and Twenty Two

PRESENT

The Hon`ble Mr.Justice **K.MURALI SHANKAR**

Crl.M.P.(MD).No.5021 of 2022

in

Crl.R.C.(MD)SR. No.13963 of 2022

A.K.RAJAN

... PETITIONER/PETITIONER

Vs

S.NATARAJAN

... RESPONDENT/RESPONDENT

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to condone the delay of 530 days in filing the Criminal Revision petition against Judgement dt.23/8/2018 passed in Crl.A.No.11/2017 on the file of the V Additional District and Sessions Judge(FTC)Theni, filed against the Judgement passed in C.C.No.36 of 2012 dated 31.07.2015 on the file of the learned Judicial Magistrate, FTC at JM Level, Uthamapalayam.

To call for the records of the Judgment dated 23.08.2018 passed in Crl.A.No.11 of 2017 on the file of the V Additional District and Sessions Judge(FTC)Theni, filed against the Judgement passed in C.C.No.36 of 2012 dated 31.07.2015 on the file of the learned Judicial Magistrate, FTC at JM Level, Uthamapalayam.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.RAMESH RAJA P T, Advocate for the petitioner and of M/S.G.RAJAN, Advocate on behalf of the Respondent the court made the following order:-

The Criminal Miscellaneous Petition has been filed seeking orders to condone the delay of 530 days in filing the Criminal Revision Petition against the Judgment, dated 23.08.2018 passed in C.A.No.11 of 2017 on the file of the V Additional District and Sessions judge (FTC), Theni filed against the Judgment passed in C.C.No.36 of 2012, dated 31.07.2015 on the file of the learned Judicial Magistrate, FTC at JM Level, Uthamapalayam.

2.It is not in dispute that the respondent has filed a private complaint under Section 200 of Cr.P.C., against the petitioner for the alleged offence under Section 138 of the Negotiable Instruments



Act and the learned Judicial Magistrate has passed a Judgment of acquittal in C.C.No.36 of 2012, dated 31.07.2015. The complainant/respondent has preferred an appeal in C.A.No.11 of 2017 and the learned V Additional District and Sessions Judge, vide Judgment, dated 23.08.2018 set aside the Judgment of acquittal and convicted the petitioner for the offence under Section 138 of N.I. Act and sentenced him to undergo one year Simple Imprisonment and to pay a fine of Rs.2,50,000/- as compensation to the respondent within one month, in default, to undergo four months Simple Imprisonment. Challenging the above, the petitioner/accused has preferred the present revision along with the delay of condone application.

3.The respondent has filed a counter affidavit raising objections to allow this petition. But the learned counsel for the respondent would submit that the petitioner may be directed to deposit the compensation amount.

4.Considering the above facts and circumstances and also taking note of the length of delay and the submission of the learned counsel for the respondent, this Court is inclined to allow this petition on condition that the petitioner shall deposit 50% of the cheque amount before the trial Court in C.C.No.36 of 2012 on or before 22.07.2022, failing which, the petition shall stand dismissed automatically.

5.Post the matter on **25.07.2022**.

sd/-

04/07/2022

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/07/2022

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1.THE V ADDITIONAL DISTRICT AND SESSIONS JUDGE (FTC),
THENI,

2.THE JUDICIAL MAGISTRATE,
FTC AT JM LEVEL, UTHAMAPALAYAM.

+1. C.C. to M/S.G.RAJAN, Advocate SR.No.6574

ORDER

IN

Crl.M.P.(MD).No.5021 of 2022

in Crl.R.C.(MD)SR. No.13963 of 2022

Date :04/07/2022

RK/JM/SAR-III/14.07.2022 : 2P/4C

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