



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.03.2022

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.M.P.(MD) No.3688 of 2019

in

Crl.R.C(MD)SR.No. 22280 of 2018

Manjula

...Review Petitioner/Petitioner/
Complainant

Vs.

N.Muralidharakannan

...Respondent/Respondent/Accused

PRAYER in Crl.M.P(MD)No.3688 of 2019: Criminal Miscellaneous Petition filed under Section 5 of Limitation Act, praying this Court to condone the delay of 39 days in preferring the above Cr.R.C. Against the order dated 11.01.2018 passed in C.A.No.78 of 2016, on the file of IV Additional District and Sessions Judge, Madurai.

PRAYER In Crl.R.C.(MD)SR. No.22280 of 2018:This Criminal Revision Petition filed under Section 397 r/w 401 Cr.P.C. to call for the records and set aside the judgment dated 11.01.2018 passed in CA No.78 of 2016 on the file of Learned IV Additional District and Sessions Judge, Madurai confirming the Judgment dated 18.07.2016 passed in STC No.554 of 2012 on the file of Learned Judicial Magistrate(Fast Track Court No.2) Madurai.

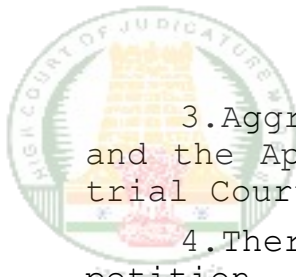
For Petitioner : Mr.S.Pon Senthil Kumaran

For Respondent : Mr.S.Vijayakumar

ORDER

The petition has been filed to condone the delay of 39 days in preferring the criminal revision case. The criminal revision case has been filed as against the judgment passed in C.A.No.78 of 2016, on the file of the learned IVth Additional District and Sessions Judge, Madurai, thereby confirming the order of acquittal passed in S.T.C.No.554 of 2012 on the file of the Judicial Magistrate, Fast Track Court No.2, Madurai.

2.The petitioner is the defacto complainant and the respondent is the accused. The petitioner filed a complaint for the offence under Section 138 of Negotiable Instruments Act, 1881, as against the respondent herein. However, the trial Court found that the alleged cheque was obtained in the police station and as such there is no endorsement by the respondent and acquitted the respondent.



3. Aggrieved by the same, the petitioner had preferred an appeal and the Appellate Court had also confirmed the order passed by the trial Court.

4. Therefore, the petitioner has no merits in the revision petition.

5. That apart on perusal of the affidavit filed in support of the condone delay petition, the petitioner did not state any sufficient reason to condone the delay of 39 days. Since the petitioner has no merits in the criminal revision petition, this Court is not inclined to allow the condone delay petition.

6. Therefore, the criminal miscellaneous petition is dismissed. Consequently, the criminal revision case in Crl.R.C.(MD)SR.No.22280 of 2018 is rejected in SR stage itself.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

lr

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 IV Additional District and Sessions Judge, Madurai.

2. The Judicial Magistrate(Fast Track Court No.2) Madurai.

+1 CC to M/s.S.VIJAYAKUMAR, Advocate (SR-10052[F] dated 04/03/2022)

Crl.M.P.(MD) No.3688 of 2019
in

Crl.R.C(MD)SR.No. 22280 of 2018
03.03.2022

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