



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :27.04.2022

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.R.C(MD)No.413 of 2022

WEB COPY

Ananda Super Market,
Represented by Suganya,
No.156, Big Kammala Street,
Trichy - 620 008.

...Petitioner/Complainant

Vs.

K.Geetha

... Respondent/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.90 of 2019, dated 23.02.2022 on the file of the Judicial Magistrate No.1, Tiruchirapalli and set aside the same.

For Petitioner : Mr.K.M.Karunakaran

ORDER

This petition has been filed to set aside the order made in C.C.No.90 of 2019, dated 23.02.2022 passed by the learned Judicial Magistrate No.1, Tiruchirapalli.

2.The petitioner is a complainant and the respondent is an accused. The complaint was filed by the petitioner for the offence under Section 138 of Negotiable Instruments Act. After recording the sworn statement of the petitioner, the learned Judicial Magistrate No.I, Trichy has taken cognizance in C.C.No.90 of 2019 for the offence under Section 138 of Negotiable Instruments Act. Thereafter, the trial commenced and the petitioner was examined as PW1 fully in chief and posted for cross examination. In fact, the petitioner was partly cross examined and for further cross examination the case was adjourned to 21.12.2022. On 21.12.2021 the complainant could not be present due to corona and as such the petitioner filed a petition to dispense with her personal appearance and the same was allowed and adjourned to 19.01.2021. Again on 19.01.2021 due to lockdown for covid-19, the petitioner was unable to appear before the trial Court and as such the trial Court, adjourned the case to 23.12.2022. Thereafter, on 23.12.2022 the petitioner was not able to appear before the trial Court and as such the complaint was dismissed 'for default' under Section 256 of Cr.P.C.



3.The learned counsel for the petitioner has submitted that the petitioner was absent due to continuous lockdown and also due to corona pandemic situation.

4.Considering the above, the petitioner may be given one more opportunity to putforth the case before the trial Court.

5.In view of the above, the order made in C.C.No.90 of 2019, dated 23.02.2022 passed by the learned Judicial Magistrate No.1, Tiruchirapalli is hereby set aside. The learned Judicial Magistrate No.1, Tiruchirapalli, is directed to take the complaint on file and issue notice to the petitioner and complete the trial within a period of six months from the date of taking the complaint on file. It is made clear that the petitioner is directed to co-operate with the trial.

6.Accordingly, the Criminal Revision Case is allowed.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

vsd

To

The Judicial Magistrate No.1,
Tiruchirapalli.

Copy to:

The Section Officer,Criminal(Records),
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.K.M. KARUNAKARAN, Advocate (SR-21706[F] dated
27/04/2022)

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MGJ(25.05.2022) 2P 5C