



Crl.R.C.(MD) No.432 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 04.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.432 of 2022

Shanthabai

... Petitioner/Complainant

Vs.

M.Narasimmalu

... Respondent/Accused

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to set aside the impugned order, dated 22.10.2021 passed in S.T.C.No.5045 of 2019 on the file of the Judicial Magistrate No.IV, Tiruchirappalli and consequently restore the said case and proceed with the case in accordance with law.

For Petitioner : Mr.Muthukumaran, M.

ORDER

This Criminal Revision Case is directed against the order dated 22.10.2021, in S.T.C.No.5045 of 2019, passed by the learned Judicial Magistrate No.IV, Tiruchirappalli, dismissing the complaint under Section 204 (4) Cr.P.C.



CrI.R.C.(MD) No.432 of 2022

WEB COPY

2. The revision petitioner is the complainant and she filed a private complaint under Section 200 Cr.P.C, against the respondent for the alleged offence under Section 138 r/w Section 142 of the Negotiable Instruments Act.

3. It is seen from the records that the complaint was filed on 19.09.2017 and the petition to condone the delay was also filed and allowed on 15.04.2019 and that the case was taken on file in S.T.C.No.5045 of 2019. It is further evident from the records that thereafter, the case is pending under the caption for 'Fresh summon to the accused' from 06.12.2019 onwards.

4. It is pertinent to note that the petitioner/complainant has not even paid batta for a single time and the case is pending for payment of process fee for the past three years. Moreover, it is evident from the impugned order that the complainant was continuously absent and even on 22.10.2021, there was no representation upto 02.30 pm, and process fee was not paid and hence, the complaint was ordered to be dismissed under Section 204(4) Cr.P.C.

5. The learned counsel for the petitioner would submit that the petitioner is aged 70 years, but the same cannot be considered as a reason or ground for non-payment of batta for three years.



Crl.R.C.(MD) No.432 of 2022

WEB COPY

6. Considering the above, this Court is of the view that the impugned order, dated 22.10.202, in S.T.C.No.5045 of 2019, dismissing the complaint under Section 204(4) Cr.P.C, passed by the learned Judicial Magistrate No.IV, Tiruchirappalli, cannot be found fault with. Hence, the Criminal Revision is dismissed.

04.07.2022

Index : Yes/No
Internet : Yes/No
das

To:-

The Judicial Magistrate No.IV,
Tiruchirappalli.



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Crl.R.C.(MD) No.432 of 2022

K.MURALI SHANKAR, J.

das

ORDER MADE IN
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