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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE **G.ILANGOVAN**

Crl.R.C.(MD)No.532 of 2022

Jebamony Dhas ... Revision Petitioner

Vs.

George Stephenson ... Respondent

Prayer : This Criminal Revision has been filed under Sections 397 and 401 of Criminal Procedure Code, to call for the records relating to the order passed by learned Judicial Magistrate No.I, Padmanabhapuram in S.T.C.No.271 of 2018 dated 16.03.2022 and set aside the same and consequently direct the learned Judicial Magistrate No.I, Padmanabhapuram to restore the S.T.C.No.271 of 2018.

For Petitioner : Mr.K.P.Narayanakumar
For Respondent : Mr.M.R.Sreenivasan

O R D E R

This Criminal Revision Case has been filed to call for the records relating to the order passed by learned Judicial Magistrate No.I, Padmanabhapuram in

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S.T.C.No.271 of 2018 dated 16.03.2022 and set aside the same and consequently direct the learned Judicial Magistrate No.I, Padmanabhapuram to restore the S.T.C.No.271 of 2018.

2. The revision petitioner has filed complaint under Section 138 NI Act and the same was dismissed on 16.03.2022, because of the non-appearance of the revision petitioner and NBW against the accused was cancelled.

3. On perusal of the order shows that not only the complainant but also the respondent herein did not appear before the concerned Court.

4. The learned counsel for the petitioner submitted that during the lock down period, the above said case was listed before the concerned Court. But the order copy clearly shows that notice was issued for appearance on 28.12.2021, it is not a lock down period. Mistake has been made by the petitioner and because of the non-appearance of the respondent also, the case was pending for several years.

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5. Since the case was filed in the year 2018, I am of the considered view that one more opportunity may be given to the complainant to prosecute the case to the logical conclusion. It appears that some sort of proposal was made by the respondent himself to settle the issue.

6. In view of the above said development, the order of the dismissal passed in S.T.C.No.271 of 2018 dated 16.03.2022 by the Judicial Magistrate No.I, Padmanabhapuramm is set aside and the Judicial Magistrate No.I, Padmanabhapuram is directed to restore S.T.C.No.271 of 2018. The petitioner and the respondent are directed to appear before the concerned Court on 23.01.2023 without fail.

In the result, this Criminal Revision Case is allowed.

09.12.2022

Index : Yes/No
Internet : Yes/No
tta

To:-

Judicial Magistrate No.I, Padmanabhapuramm

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G.ILANGOVAN,J

tta

ORDER MADE IN
Crl.R.C.(MD)No.532 of 2022

09.12.2022

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