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Crl.M.P(MD) No.7390 of 2019 in CRL RC(MD)No.SR26856 OF 2018

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.7390 of 2019

in

Crl.R.C(MD)SR.No. 26856 of 2018

N.Perumal

...Petitioner/Petitioner

Vs.

R.Murugesan

...Respondent/Respondent

PRAYER in Crl.M.P(MD)No.7390 of 2019: Criminal Miscellaneous Petition filed under Section 5 of Limitation Act, praying this Court to condone the delay of 320 days in representing the Crl.R.C.(MD) S.R.No.26856 of 2018 against C.A.No.42 of 2015 on the file of the Mahalir Neethamandram Fast Tract Mahila Court, Karur, dated 10.02.2016 in C.C.No.400 of 2014 on the file of the Fast Track Court (Magistrate Level) Karur, dated 14.07.2015.

PRAYER In Crl.R.C.(MD)SR. No.26856 of 2018:This Criminal Revision Petition filed under Section 397 r/w 401 Cr.P.C. to set aside the judgment made in C.A.No.42 of 2015 on the file of the Mahalir Neethamandram Fast Tract Mahila Court, Karur, dated 10.02.2016 convicting the petitioner for an offence under section 138 of Negotiable Instrument Act and sentenced to undergo 6 months simple imprisonment and fine sum of Rs.5000/- by confirming the judgment and modifying the sentence made in C.C.No.400 of 2014 on the file of the Fast Track Court (Magistrate Level) Karur, dated 14.07.2015 and allow the Criminal Revision Petition.

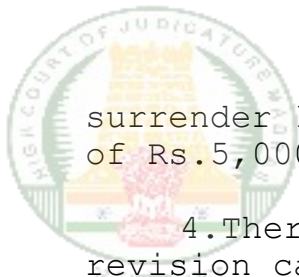
For Petitioner : Mr.S.Gokul Raj

ORDER

The petition has been filed to condone the delay of 320 days in representing the Crl.R.C.(MD)SR.No.26856 of 2018.

2.The criminal revision case has been filed as against the judgment passed in C.A.No.42 of 2015, on the file of the Mahalir Neethimandram Fast Track Mahila Court, Karur, thereby, conviction sentence has been passed by the trial Court in C.C.No.400 of 2014, dated 14.07.2015 on the file of the Fast Track Court (Magistrate Level), Karur, for the offence punishable under Section 138 of Negotiable Instruments Act.

3.Though the petitioner's conviction sentence was confirmed by both the courts below, the petitioner even till today did not
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surrender before the Court below and failed to pay the fine amount of Rs.5,000/-.

4.Therefore, the petitioner has no merits in the criminal revision case.

5.Further, on perusal of the affidavit filed in support of the condone delay petition, it is revealed that no sufficient cause stated in the affidavit.

6.Therefore, this Court is not inclined to allow this petition. Accordingly, this criminal miscellaneous petition is dismissed. Consequently, the criminal revision case in Crl.R.C (MD)SR.No.26856 of 2018 is rejected in SR stage itself.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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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 Judge,
Mahalir Neethimandram Fast Tract Mahila Court,
Karur.

2.The Magistrate,
Fast Track Court (Magistrate Level),
Karur.

+1cc to Mr.S.GOKULRAJ,Advocate, SR.No.9985 DATED:04.03.2022

Crl.M.P. (MD) No.7390 of 2019
in
Crl.R.C (MD) SR.No. 26856 of 2018
03.03.2022

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