

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 16.02.2022****CORAM:****THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN****Crl.R.C. (MD) No.665 of 2021**

Singamperumal

...Petitioner

Vs.

Rajendiran

...Respondent

PRAYER: Criminal Revision Case filed under Section 397 and 401 Cr.P.C. praying to call for the records relating to the order of the learned Judicial Magistrate, Fast Track Court, Uthamapalaiyam, Theni District dated 12.02.2021 in C.C.No.87 of 2019 filed by the petitioner under Section 138 of NI Act and 420 of IPC and set aside the same as illegal and restore the case in C.C.No.87 of 2019 on the file of the learned Judicial Magistrate, Fast Track Court, Uthamapalaiyam, Theni District.

For Petitioner : Mr.M.Karunanithi

ORDER

This petition has been filed challenging the order passed by the learned Judicial Magistrate, Fast Track Court, Uthamapalaiyam, Theni District, dated 12.02.2021, in C.C.No.87 of 2019, thereby dismissing the complaint filed by the petitioner under Section 138 of Negotiable Instruments Act and Section 420 of IPC.

2. On perusal of the impugned order, it is seen that the petitioner was absent from 26.11.2020 and as such, the complaint was dismissed for default on 12.02.2021.

3. Learned counsel for the petitioner submitted that, due to COVID-19 pandemic situation, the petitioner could not appear before the Trial Court.

4. Considering the above facts and circumstances, the impugned order is set aside and the matter is remanded back to the Trial Court for fresh trial. It is made clear that the Trial Court is directed to issue fresh notice to the respondent herein and proceed in accordance with law and complete the trial within a period of six (6) months from the date of service of notice to the respondent herein.

5. Accordingly, this Criminal Revision Case is allowed.

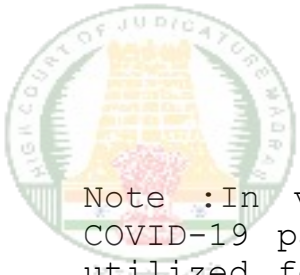
Sd/-

Assistant Registrar (CRL)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



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

The Judicial Magistrate,
Fast Track Court,
Uthamapalaiyam,
Theni District.

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16.02.2022

MGJ(02.03.2022) 2P 2C