



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.03.2022

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.R.C(MD)No.726 of 2021

Najumudeen

... Petitioner/Complainant

Vs.

Muthukumar

... Respondent/Sole Accused

PRAYER: Criminal Revision Case filed under Section 397 and Section 401 of the Code of Criminal Procedure, to call for the records and set aside the order passed in S.T.C.No.56 of 2020, dated 01.04.2021 on the file of the Fast Track Court (Magisterial Level), Pattukkottai.

For Petitioner

: Mr.A.Arunprasad

ORDER

This revision has been filed as against the order passed in S.T.C.No.56 of 2020, dated 01.04.2021 on the file of the Fast Track Court (Magisterial Level), Pattukkottai, thereby dismissed the complaint for non-prosecution.

2.The petitioner is the complainant and he lodged a complaint for the offence punishable under Section 138 of Negotiable Instruments Act as against the respondent herein.

3.After taking cognizance, the trial Court issued summons to the respondent. However, the accused was not residing there and as such, directed the petitioner to pay the process with present correct residential address of the accused. However, the petitioner failed to appear before the trial Court and no representation on 01.04.2021. Hence, the Court below dismissed the complaint for default and discharged the accused.

4.Now, the learned counsel appearing for the petitioner would submit that the petitioner may be given an one more opportunity to put forth his case and also he is ready and willing to furnish the correct present address of the accused.

5.Considering the above, the order passed in S.T.C.No.56 of 2020, dated 01.04.2021 on the file of the Fast Track Court (Magisterial Level), Pattukkottai is set aside and the Criminal Revision Case is allowed. The learned Fast Track Court (Magisterial Level), Pattukkottai, is directed to restore the complaint in S.T.C.No.56 of 2020 on file and issue fresh notice to the respondent



on furnishing new correct address by the petitioner and payment of
batta. No costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

WEB 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 Judge, Fast Track Court (Magisterial Level),
Pattukkottai.

Copy to:

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

Crl.R.C (MD) No.726 of 2021
10.03.2022

MGJ(31.03.2022) 2P 4C