



Crl.R.C(MD) No.805 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.09.2022

CORAM:

THE HONOURABLE MR.JUSTICE **G.ILANGO VAN**

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T.Veeravel

... Revision Petitioner

Vs.

N.Kamaraj

... Respondent

Prayer : This Criminal Revision has been filed under Section 397 and 401 of Criminal Procedure Code, to call for the records and set aside the judgment dismissed under Section 204(4) Cr.P.C in S.T.C.No.66 of 2016 dated 01.07.2022 on the file of the Principal District Munsif, Tenkasi and allow the Criminal Revision Petition.

For Petitioner : Mr.Sivakumar

ORDER

This Criminal Revision Case is directed against the order passed by the learned Principal District Munsif, Tenkasi in S.T.C.No.66 of 2016, dated 01.07.2022.



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2.The learned counsel for the petitioner submitted that the respondent approached the defacto complainant for obtaining money. After getting money from him, the respondent is moving from one place to another place, therefore, he has not in a position to trace out the address and whereabouts of the respondent. Thereafter, the petitioner made a complaint under Section 138 NI Act against the respondent and the same was taken in cognizance and because of the non appearance of the accused, the case was adjourned several times, finally, the case has been dismissed for default for non-payment of process fee.

3. It appears that Originally the complaint was preferred in the year 2013. For the non appearance of the accused, bailable warrant has been issued on 20.11.2013 and after 9 years only, the matter has been disposed of as dismissed for default for non payment of process fee. After getting money from the petitioner, the respondent is moving one place to another place, for which, the warrant has been pending.

4. Considering the submissions, this Court is of the considered view that based on the request made by the learned counsel counsel for the petitioner, an



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opportunity is granted to the petitioner and so the order passed by the learned Principal District Munsif, Tenkasi in S.T.C.No.66 of 2016 dated 01.07.2022 is set aside. The petitioner/complainant shall appear the trial Court on 12.10.2022 and shall furnish an information with regard to the whereabouts of the respondent and the trial Court shall take further steps to secure the accused. The complaint be restored.

5.With these directions, this Criminal Revision Case is Allowed.

20.09.2022

Index : Yes/No
Internet : Yes/No
tta

To:-

1.Principal District Munsif, Tenkasi



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G.ILANGOVA,N,J

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