



Crl.R.C.Nos.46 to50 and 52 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :30.03.2023

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THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.R.C.Nos.46 to 50 and 52 of 2020

Crl.R.C.No.46 of 2020 and batch:

1.M/s Sri Balajee Tex
by its Partner R.Saravanan
No.12, Muniappan Koil Street,
Erode 638 011.

2.R.Saravanan, aged 43
S/o Rajendran
Partner of Sri Balajee Tex
Door No.26/47, Postal Nagar,
1st Street, 12th Cross Street,
Vettukattuvalasu,
Erode 638 011.

3.A.Karuppusamy, aged 59
S/o Ayyavoo
Partner Sri Balajee Tex
Door No.352/7, Gandhi Nagar,
Devanankurichi 637 209
Namakkal District.

.. Petitioners

/versus/

Tmt.S.Ponnammal

.. Respondent



Crl.R.C.Nos.46 to50 and 52 of 2020

Prayer in Crl.R.C.No.46 of 2020: Criminal Revision Case has been filed under Section 397 and 401 of Cr.P.C., against the judgment in C.A.No.156 of 2018 on the file of II Additional District and Sessions Judge, Erode, dated 24.10.2019 confirming the conviction and sentence passed in S.T.C.No.494 of 2017 on the file of the Judicial Magistrate, Fast Track Court No.1, Erode, dated 16.04.2018.

Crl.R.C.No.46 of 2020:

For Petitioner :Mr.S.Kamadevan

For Respondent : No appearance

COMMON ORDER

On 16.03.2023, when the matter was taken up for final hearing, this Court found that the sole respondent was not served and there was no proof for compliance of the conditional order passed by this Court on 22.01.2020. Hence, this Court passed the following order on 16.03.2023:-

“Today,when the batch of revisions are taken up for final disposal, the learned counsel appearing for the petitioners stated that due to improper address, notice could not be served on the respondent/complainant. Further, he seeks time to verify whether the petitioners have complied with the condition imposed by this Court vide order dated 22.01.2020, while granting suspension of sentence.

2.On his request, the matter is adjourned to 30.03.2023. Meanwhile, the petitioners are permitted to



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Crl.R.C.Nos.46 to50 and 52 of 2020

take private notice on the respondent, failing which the matter will be decided on merits.”

2. Pursuant to the above said order, the learned counsel appearing for the revision petitioner has taken notice to the respondent/S.Ponnammal and also to her Power Agent, R.Kanimozhi, who is none other than the grand daughter of the respondent. The notice sent to the respondent/Ponnammal was returned as unserved with an endorsement “refused”. The power agent has received the notice and she has signed in the acknowledgement card. Further, the learned counsel appearing for the petitioner also confirms that the conditional order dated 22.01.2020 has not been complied with and also he has stated that the revision petitioner is not in touch with him and he has no instructions from the petitioner. Therefore, he is withdrawing his appearance.

3. In view of the above facts, the revision petition is arising out of the private complaint filed under Section 138 of the Negotiable Instruments Act, 1881. The revision petitioner has lost his case before both the Courts below and as against the concurrent finding of the Courts below, he preferred this revision petition but not complied with the



Crl.R.C.Nos.46 to50 and 52 of 2020

conditions imposed by this Court and not interested in pursuing the case.

Therefore, this Criminal Revision Cases are dismissed for non-compliance of the conditional order dated 22.01.2020 and for non-prosecution.

30.03.2023

Index:yes/no

Speaking order/non speaking order
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To:

1. The 1st Additional District and Sessions Judge, Erode.
- 2.The Judicial Magistrate, Fast Track Judge No.1, Erode.
- 3.The Public Prosecutor, High Court, Madras.

Dr.G.JAYACHANDRAN, J.



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Crl.R.C.Nos.46 to 50 and 52 of 2020

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Crl.R.C.Nos.46 to 50 and 52 of 2020

30.03.2023