



Crl.R.C.No.559 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.07.2023

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THE HONOURABLE MRS. JUSTICE **R. HEMALATHA**

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V.Valarmathi

... Petitioner

Vs.

Lakshmi

... Respondent

Prayer : Criminal Revision Petition filed under Section 397 r/w. 401 of Criminal Procedure Code, to call for the records pertaining to the impugned order in C.M.P.No.2203 of 2020 in Crl.A.No.Sr.No.839 of 2020 dated 12.02.2020 passed by the learned District and Sessions Judge, Coimbatore.

For Petitioner : Mr.A.Deivasigamani

For Respondent : Mr.Deepan Uday

ORDER

This Criminal Revision is filed against the orders passed by the learned District and Sessions Judge, Coimbatore in C.M.P.No.2203 of 2020.

2. The petition in C.M.P.No.2203 of 2020 was filed by the



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accused under Section 5 of the Limitation Act to condone the delay of 151 days in filing the appeal against the conviction and sentence passed by the Judicial Magistrate, Fast Track Court I, Coimbatore in C.C.No.734 of 2013, in and by which the present revision petitioner accused was convicted for the offence punishable under Section 138 of the Negotiable Instruments Act and was sentenced to undergo Simple Imprisonment for a period of six months and to pay compensation of Rs.3,40,000/- in default to undergo Simple Imprisonment for a period of two months. The condone delay petition was dismissed by the learned District and Sessions District and Sessions Judge, Coimbatore on the ground that the present petitioner did not pay the process fee for issuing notice to the respondent/complainant. Aggrieved against the said order, the present revision has been preferred by the accused.

3. On perusal of the records, it shows that the present revision petitioner accused was given several opportunities to pay the process fee.



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4. The learned counsel for the petitioner contended that due to Covid 19 pandemic situation, he was unable to appear before the Court to pay Process Fee and ultimately the petition in C.M.P.No.2203 of 2020 in Crl.A.SR.No.839 of 2020 was dismissed for non payment of Process Fee.

5. It is also contended by the learned counsels for the Revision petitioner as well as by the respondent that the entire cheque amount has been paid to the respondent/complainant. However, the respondent/complainant is demanding the revision petitioner to pay another sum of Rs.2 lakhs.

6. Be that as it may, since the petition in C.M.P.No.2203 of 2020 is dismissed for non payment of Process Fee, this court is of the opinion that one more opportunity can be given to the present revision petitioner. Accordingly, the order passed in C.M.P.No.2203 of 2020 in Crl.A.SR.No.839 of 2020 is set aside and the learned District and Sessions Judge, Coimbatore is directed to take the CMP No.2203 of 2020

R.HEMALATHA, J.



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on file and dispose it of in accordance with law within a period of one month from the date of receipt of a copy of this order.

7. With the above direction, this Criminal Revision Case is disposed of.

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Index: Yes/No
Speaking/Non-Speaking order
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