



WEB COPY



Crl.R.C.No.511 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2023

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

CRL.R.C.NO.511 OF 2023

Ganesan ... Petitioner

Vs.

Robert Inkarsal ... Respondent

PRAYER: Criminal Revision Case filed under Section 397 r/w 401 of Criminal Procedure Code to set aside order dated 30.01.2023 passed in Crl.M.P.No.930 of 2023 in C.C.No.355 of 2022 on the file of the learned Judicial Magistrate No.1, Perambalur.

For Petitioner ... Mr.M.Vijaya Raghavan

ORDER

Challenging the order dated 30.01.2023 passed in Crl.M.P.No.930 of 2023 in C.C.No.355 of 2022 by the learned Judicial Magistrate No.1, Perambalur, the present Criminal Revision has been filed.

2. The learned counsel for the petitioner has submitted that



Crl.R.C.No.511 of 2023

the petitioner is an accused in C.C.No.355 of 2022 on the file of the learned Judicial Magistrate No.I, Perambalur. The respondent filed a complaint against the accused for an offence under Section 138 of the Negotiable Instruments Act. When the matter was called on 30.01.2023, the petitioner was unable to appear before the Trial Court due to his illness. On 30.01.2023, the petitioner filed a petition under Section 317 Cr.P.C., in Crl.M.P.No.930 of 2023, for dispensing his personal appearance due to his illness. The said petition was dismissed on 30.01.2023 on the ground that though sufficient opportunity has been given, the petitioner did not appear before the Trial Court. Challenging the said order, the petitioner is before this Court.

3. Heard the submissions made by the learned counsel for the petitioner and perused the materials available on record.

4. On perusal of the records, it reveals that the petitioner is an accused in C.C.No.355 of 2022 on the file of the learned Judicial Magistrate No.I, Perambalur. The respondent filed a complaint against the petitioner for the offence under Section 138 of the Negotiable Instruments



CrI.R.C.No.511 of 2023

Act. On 30.01.2023, the petitioner filed a petition under Section 317

Cr.P.C., in CrI.M.P.No.930 of 2023, for dispensing his personal appearance due to his illness. It is seen from the records that the petitioner has not filed any medical records to prove his illness on that date. The learned Trial Judge has recorded that the petitioner / accused did not appear before the Trial Court for answering the question even after affording several opportunities and hence, I do not find any reason to interfere with the impugned order and accordingly, the Criminal Revision Case stands dismissed.

20.03.2023

Internet : Yes/No
Speaking / Non-speaking order
TK

To

The Judicial Magistrate No.1
Perambalur.



WEB COPY



Crl.R.C.No.511 of 2023

V.SIVAGNANAM, J.

TK

CRL.R.C.NO.511 OF 2023

20.03.2023