



.Crl.RC.No.1162 of 2019.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.08.2023

CORAM :

THE HON'BLE MR. JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.R.C.No.1162 of 2019

and

Crl.M.P.Nos.15552, 15553 & 15554 of 2019

S.Devi

... Accused/Appellant/Petitioner

Vs.

Gajalakshmi

...Complainant/Respondent/Respondent

PRAYER: Criminal Revision filed under Section 397 & 401 of Cr.P.C., to set aside the judgment of the Principal Sessions Judge, Tiruvallur, dated 22.01.2017 in C.A.No.83/2017 by erroneously confirming the judgment dated 25.04.2017 passed by the Judicial Magistrate, Fast Track Court (Magisterial Level), Ambattur in STC.No.91 of 2016, in erroneously convicting the Petitioner herein under Section 138 of Negotiable Instrument Act, and sentenced her to 5 months Simple Imprisonment and compensation of Rs.2,52,000/- in default to undergo one month Simple Imprisonment.

For Petitioner : Mr.M.Ravindhar
For Respondent : Mr.Gnana Banu
Legal Aid Counsel



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ORDER

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This Criminal Revision had been filed to set aside the judgment of the Principal Sessions Judge, Tiruvallur, dated 22.01.2017 in C.A.No.83/2017 by erroneously confirming the judgment dated 25.04.2017 passed by the Judicial Magistrate, Fast Track Court (Magisterial Level), Ambattur in STC.No.91 of 2016.

2. On 08.06.2023, the learned Judge of this Court had directed the Legal Aid Counsel to appear on behalf of the Respondent and adjourned the case to 04.07.2023. On 04.07.2023, there was no representation on either side. Therefore, it was adjourned to 11.07.2023 under the caption “for dismissal”. On 11.07.2023, there was no representation for the Petitioner. Therefore, this Court had directed the learned Judicial Magistrate, Fast Track Court (Magisterial Level), Ambattur to issue warrant to secure the Accused to undergo the sentence of imprisonment as per the judgment passed in STC.No.91/2016 dated 25.04.2017 and report compliance on 25.07.2023. On 25.07.2023, the report of the learned Judicial Magistrate, Fast Track Court (Magisterial Level), Ambattur was received vide letter bearing Dis.No.263/2023 dated



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20.07.2013 stating that warrant had been issued in STC.No.91/2016 to secure the Accused as per letter in D.No.261/2023, dated 19.07.2023. Accordingly, this Court directed the Commissioner of Police, Avadi to form Special Unit regarding execution of Warrant. After judgment of conviction recorded by the learned Judicial Magistrate, Fast Track Court (Magisterial Level), Ambattur, this Court directed the Commissioner of Police, Avadi to instruct the Station House Officer of the Police Station concerned to secure the Accused against whom warrants are pending. Therefore, it was adjourned to 14.08.2023.

3. Today, 14.08.2023, the case was posted under the caption “for reporting compliance”. Therefore, the report of the learned Judicial Magistrate, Fast Track Court (Magisterial Level), Ambattur was received stating that the Accused had been secured in continuation of the Judgment of conviction recorded by the learned Judicial Magistrate, Fast Track Court (Magisterial Level), Ambattur in STC.No.91/2016. Therefore, this Criminal Revision is dismissed as the Revision does not have merit. There is no representation continuously for 3 or 4 past hearing dates. The Respondent/Complainant can approach the Court



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concerned, either the learned Judicial Magistrate, Fast Track Court (Magisterial Level) or the learned District Munsif seeking recovery of the amount ordered in STC.No.91/2016.

In the result, this Criminal Revision is dismissed. Consequently, connected Miscellaneous Petitions are closed.

14.08.2023

dh

Index: Yes/No

Internet: Yes/No

Speaking Order/Non-speaking Order

Note: Issue Order copy on 14.08.2023

To

1. The Judicial Magistrate,
Fast Track Court
(Magisterial Level), Ambattur.
2. The Principal Sessions Court,
Tiruvallur,
3. The Commissioner of Police,
Avadi.
4. The Public Prosecutor,
High Court, Madras.



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SATHI KUMAR SUKUMARA KURUP, J.

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