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Crl.R.C.No.1438 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2023

CORAM

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

Crl.R.C.No.1438 of 2023

Satish

... Petitioner

Vs.

P.Arulprakash

... Respondent

Prayer : Criminal Revision Case filed under Section 397 r/w. 401 of Criminal Procedure Code, to set aside the order dated 10.04.2023 passed by the learned Principal District and Sessions Judge, Coimbatore in Crl.M.P.No.5976 of 2022.

For Petitioner : Ms.L.Kanimozhi

ORDER

Challenging the orders, dated 10.04.2023 passed in Crl.M.P.No.5976 of 2022 by the learned Principal District and Sessions Judge, Coimbatore, the present Criminal Revision is filed by the petitioner.



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2. The respondent/complainant filed a private complaint against the present revision petitioner under Section 200 Cr.P.C., in C.C.No.716 of 2011 before the learned Judicial Magistrate II, Coimbatore for the offence punishable under Section 138 of the Negotiable Instruments Act. The said complaint was dismissed for non prosecution by the learned Judicial Magistrate II, Coimbatore on 10.06.2015, aggrieved over which, the respondent / complainant preferred a revision before the learned Principal District and Sessions Judge, Coimbatore along with a petition under Section 5 of the Limitation Act to condone the delay of 29 days in filing the Criminal Appeal. The learned Principal District and Sessions Judge, Coimbatore vide his orders dated 10.04.2023, allowed the petition and condoned the delay of 29 days in filing the Criminal Appeal. Aggrieved over the said order, the present revision is preferred by the petitioner/accused.

3. Ms.L.Kanimozhi, learned counsel for the petitioner contended that though the complainant had not explained the delay in



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preferring the Criminal appeal, the appellate Court had condoned the delay.

4. At the outset, it may be observed that the respondent/complainant filed a private complainant under Section 200 of Cr.P.C., against the present revision petitioner for the offence punishable under Section 138 of the Negotiable Instruments Act. The said complaint was dismissed for non prosecution. The complainant thereafter filed the appeal before the Principal District and Sessions Court, Coimbatore along with a petition to condone the delay of 29 days in filing the criminal appeal. The complainant had properly explained the delay in filing the criminal appeal. The learned Principal District and Sessions Judge, Coimbatore had also condoned the delay by observing that the right of appeal to the complainant cannot be denied especially when his private complaint under Section 200 of Cr.P.C., was dismissed for non-prosecution.



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5. The above observation of the learned Principal District and Sessions Judge, Coimbatore cannot be found fault with and therefore, I do not see any reason to interfere with the same. Accordingly, the Criminal Revision stands dismissed.

16.08.2023

Index: Yes/No
Speaking/Non-Speaking order
vum

To

- 1.The Principal District and Sessions Judge,
Coimbatore.
- 2.The Judicial Magistrate II,
Coimbatore.



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R. HEMALATHA, J.

vum

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