



WEB COPY



Crl.R.C.Nos.1077,1078,1079,1080 & 1081 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.07.2023

CORAM:

The Hon'ble MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.R.C.Nos.1077, 1078, 1079, 1080 & 1081 of 2021
and
Crl.M.P.No.4671 of 2023

M/s. Shreepavi Constructions,
Rep. by its Proprietor Mr.S.Alaghesan,
S/o K.Shanmugam, No.5/451,
Pari Road, Mogappair East,
Chennai- 600 037.

... Petitioner
(in all Crl.R.Cs)

Versus

M/s. MVM Builders and Promoters,
Rep. by its Proprietor Mr.B.Lakshmi Narasimhan,
S/o. Mr.V.G. Babu Rao, having office at
No.25, Thiruvassagam 2nd Street,
Sri Balaji Nagar Pattibaram,
Chennai – 600 072.

... Respondent
(in all Crl.R.Cs)

Prayer: Criminal Revision Petitions filed under Section 397(1) and 401 of the Code of Criminal Procedure, to call for the records pertaining to the judgment dated 28.10.2021 made in Crl.A.Nos.143, 144, 145, 141 & 142 of 2018 respectively, by the learned I Additional District and Sessions Judge, Thiruvallur, confirming the judgment dated 30.07.2018 in



Crl.R.C.Nos.1077,1078,1079,1080 & 1081 of 2021

S.T.C.Nos.116, 117, 118, 114 & 115 of 2016 respectively, passed by the Learned Judicial Magistrate, Fast Track Court, Magisterial Level at Thiruvallur, convicting the petitioner under Section 138 of the Negotiable Instruments Act, sentencing him to undergo simple imprisonment for a period of 1 year and 6 months and ordering the petitioner to pay a compensation of Rs.19,44,030/-, Rs.20,24,770/-, Rs.18,62,080/-, Rs.22,79,950/- and Rs.19,86,930/- respectively, under Section 357 of Cr.P.C., in default to undergo simple imprisonment for 3 months, and set aside the same.

For Petitioner : Mr. V.S.Sivanupandian
(in all Cases)

For Respondent : Mr. S.Thiruvengadam
(in all Cases)

COMMON ORDER

The accused / M/s.Shreepavi Constructions suffered with the judgment of conviction passed in S.T.C.Nos.116, 117, 118, 114 & 115 of 2016 respectively, dated 30.07.2018 by the learned Judicial Magistrate, Fast Track Court Magisterial Level, Thiruvallur District and the same was confirmed before the learned I-Additional District and Sessions Judge, Thiruvallur, by a Judgment dated 28.10.2021 in Crl.A.Nos.143, 144, 145, 141 & 142 of 2018 respectively, and dismissed the appeals. Aggrieved by the same, the present revisions have been filed before this Court.



Crl.R.C.Nos.1077,1078,1079,1080 & 1081 of 2021

2. When these cases came up for hearing on 26.07.2022 on request of the learned Counsel for the petitioner, time granted upto 04.08.2022, to deposit the 30% of the cheque amount, as imposed by this Court. Subsequently, these cases came up for hearing on 17.04.2023, wherein, it is recorded that the learned Counsel for the petitioner had settled some portion of the amount and sought further time to settle the remaining portion of the amount, on his request the case was adjourned by 30.06.2023.

3. Thereafter, the case was not posted, therefore, the respondent counsel made his grievance before this Court that these revision cases are not listed as per the earlier adjudication of this Court. Therefore, the Registrar Judicial was directed to hold an inquiry on the lapse committed by the staff in the Criminal Section. Thereafter, the case was posted on 14.07.2023. Therefore, the case was come up for hearing on 14.07.2023.

4. On 14.07.2023, the learned Counsel for the revision petitioner was directed to proceed with the arguments as sufficient time has already granted by this Court to settle the matter. Further, the learned Counsel for the revision petitioner submitted that the order of this Court was not



Crl.R.C.Nos.1077,1078,1079,1080 & 1081 of 2021

considered and the time granted by this Court has already been expired.

Therefore, these cases were adjourned on condition to proceed further, otherwise, the cases of the revision petitioner would be dismissed with a direction warrant by the Trial Court and posted on 17.07.2023.

5.Today, 17.07.2023, the learned Counsel appearing for the revision petitioner seeks further time to settle the balance amount. It seems to be that the revision petitioner wants to evade from the proceedings. To protract the revision thereby evading from the Judgment of conviction and sentence imposed on him by the learned Judicial Magistrate, Fast Track Court, Thiruvallur, which was confirmed by the learned District and Sessions Judge, Thiruvallur.

6.Instead of undergoing the imprisonment and paying the balance amount, the Criminal Revisions have been filed in the year 2021. The revision petitioner had protracted the Criminal Revision proceedings. Therefore, this Court feels that there are no merits in the case, and the Criminal Revisions are liable to be dismissed.



Crl.R.C.Nos.1077,1078,1079,1080 & 1081 of 2021

WEB COPY

7.The learned Judicial Magistrate, Fast Track Court, Magisterial Level at Thiruvallur, is directed to issue warrant and secure the accused. The respondent/Police shall proceed further after obtaining necessary orders of the warrant from the Court concerned.

8.The learned Counsel for the respondent/Complainant would seek permission of this Court to withdraw the 30% of the amount, deposited by the revision petitioner at the time of grant of suspension of sentence before the Trial Court by the accused. Permission is granted to the complainant before the Trial Court to withdraw the amount deposited in the Court by the accused.

9. With the above observations, the Criminal Revision Petitions are dismissed. Consequently, the connected miscellaneous petition is closed.

17.07.2023

klt

To

1.The I Additional District and Sessions Court, Thiruvallur.

2.The Judicial Magistrate, Fast Track Court,
Magisterial Level at Thiruvallur.



WEB COPY



Crl.R.C.Nos.1077,1078,1079,1080 & 1081 of 2021

SATHI KUMAR SUKUMARA KURUP, J.,

klt

Crl.R.C.Nos.1077, 1078, 1079, 1080 & 1081 of 2021
and
Crl.M.P.No.4671 of 2023

17.07.2023