



WEB COPY



Crl.R.C.No.1763 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2023

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.1763 of 2023

V.Chithra

... Petitioner

Vs.

A.Rashiya

... Respondent

PRAYER: Criminal Revision Petition filed under Sections 397 r/w 401 of Criminal Procedure Code, to set aside the order made in Crl.M.P.No.2684 of 2023 in C.A.SR.2461 of 2023 in C.C.No.11 of 2021 dated 22.08.2023 on the file of the Principal District & Sessions Judge, Chengalpattu.

For Petitioner : Mr.P.D.Anbarasan
For Respondent : Mr.M.Suresh Kumar

ORDER

This Criminal Revision Case has been filed to set aside the impugned order, dated 22.08.2023 in Crl.M.P.No.2684 of 2023 in C.A.SR.No.2461 of 2023 passed by the Principal District and Sessions Judge, Chengalpet/lower appellate Court.

2.In continuation and conjunction to the earlier order passed by this Court on 19.10.2023, this Court is passing the following order.



3.The learned counsel for the respondent/complainant fairly submitted that his only objection is, the appeal has been filed with delay of 108 days that too, only after the respondent/complainant took steps to secure the petitioner. The petitioner delayed the trial for one reason or other. In view of the same, some strict condition to be imposed on the petitioner till completion of the appeal within a stipulated time not further dragging on the appeal.

4.The learned counsel for the petitioner on instructions submitted that the petitioner will cooperate with the appeal and the same to be completed without further delay, preferably, within a period of three months.

5.In view of the undertaking given by the petitioner, this Court directs the petitioner to deposit a sum of Rs.2,00,000/- (Rupees two lakh only), which is roughly around 20-21% of the cheque amount, to the credit of C.C.No.11 of 2021, on the file of the Judicial Magistrate, Fast Track Court, Alandur (trial Court). On producing the proof, the lower appellate Court to condone the delay, take the appeal on file and thereafter, on hearing the parties, dispose the same, within a period of six months, from the date of taking the appeal on file.



CrI.R.C.No.1763 of 2023

6.It is made clear that no further extension of time or any interim petition will be entertained by this Court or by the lower appellate Court wherein further delay is caused in hearing and disposing the appeal.

7.The learned counsel for the petitioner has got no objection for the respondent to withdraw the amount of Rs.2,00,000/- (Rupees two lakh only) subject to the outcome of the criminal appeal pending before the lower appellate Court.

8.In view of the above, this Criminal Revision Case is partly-allowed modifying the impugned order, dated 22.08.2023 in CrI.M.P.No.2684 of 2023 in C.A.SR.No.2461 of 2023.

9.The learned counsel for the petitioner and the learned counsel for the respondent are to inform the lower appellate Court about this order by way of memo.

30.10.2023

Speaking Order/Non Speaking Order

Neutral Citation: Yes/No

Index : Yes/No

Internet : Yes/No

vv2



WEB COPY



Crl.R.C.No.1763 of 2023

M.NIRMAL KUMAR, J.

vv2

To

The Principal District and Sessions Court,
Chengalpet.

Crl.R.C.No.1763 of 2023

30.10.2023