



Crl.O.P.No.30802 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.08.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.30802 of 2022

S.Chinnadurai

... Petitioner

vs.

1.AVC Arunachalam

2.AR Dheivaanai

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to set aside the Order dated 22.08.2022 made in Crl.R.P.No.4 of 2019 on the file of V Additional District & Sessions Judge, Coimbatore, confirming the Order dated 29.05.2018 made in CC.No.1201 of 2017 on the file of Judicial Magistrate FTC @ ML No.II, Coimbatore.

For Petitioner : Mr.Jayan, for
M/s.P.Saravana Sowmiyan

For Respondents : No appearance – R1 & R2

ORDER

This petition has been filed challenging the order passed by the learned V Additional District and Sessions Judge, Coimbatore in Crl.R.P.No.04 of 2019 confirming the order passed by the learned Judicial Magistrate Fast



Crl.O.P.No.30802 of 2022

Track Court Magisterial Level No.II, Coimbatore in C.C.No.1201 of 2017.

WEB COPY

2. Heard the learned counsel appearing on behalf of the petitioner.

The names of the respondents have been printed in the cause-list and there is no representation on the side of the respondents.

3. The complaint was filed by the petitioner against the respondents, under Section 138 of Negotiable Instruments Act and it was dismissed by the trial Court under Section 204(4) of Cr.P.C., on the ground that the petitioner did not pay process fee within a reasonable time. This order has been confirmed by the Court below in the Criminal Revision petition filed by the petitioner.

4. Taking into consideration the facts and circumstances of this case and also of the fact that the petitioner can be given one more opportunity to pay the process fee and to prosecute the complaint, this Court is inclined to interfere with the order passed by both the Courts below.

5. Accordingly, the order passed in Crl.R.P.No.4 of 2019 on the file of learned V Additional District & Sessions Judge, Coimbatore, confirming the Order dated 29.05.2018 in CC.No.1201 of 2017 on the file of learned Judicial Magistrate Fast Track Court at Magisterial Level No.II, Coimbatore, is hereby set aside. The complaint is restored back to file and the petitioner shall take immediate steps to pay the process fee to ensure that the summons are



Crl.O.P.No.30802 of 2022

served on the respondents/accused and the Court below shall proceed further in accordance with law. The case in C.C.No.1201 of 2017 on the file of the learned Judicial Magistrate Fast Track Court at Magisterial Level No.II, Coimbatore, shall be disposed of within a period of six (6) months from date of receipt of a copy of this Order.

6. In the result, this Criminal Original Petition is allowed with the above directions.

08.08.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citations: Yes/ No
mpl

To

1. The Judicial Magistrate Fast Track Court
at Magisterial Level No.II, Coimbatore.



WEB COPY



Crl.O.P.No.30802 of 2022

N. ANAND VENKATESH, J.
mpl

Crl.OP No.30802 of 2022

08.08.2023