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Crl.R.C.No.1286 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2023

CORAM:

The Honourable MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.R.C.No.1286 of 2019

Sathya

...Revision Petitioner/Appellant/
Accused

-Vs-

R.Ponnusamy

...Respondent/Respondent/
Complainant

Prayer:- Criminal Revision Case filed under Section 397 read with 401 of Cr.P.C, to set aside the judgment passed in C.C.No.151 of 2016 on the file of the learned Judicial Magistrate, Fast Track Court No.II, Magisterial Level, Coimbatore, dated 05.04.2018, confirmed in C.A.No.174 of 2018 dated 04.09.2019 on the file of the learned V Additional District and Sessions Judge, Coimbatore.

For Petitioner : No appearance

For Respondent : Mr.A.Suresh Sakthi Murugan

ORDER

This Civil Revision Case is filed to set aside the judgment passed in C.C.No.151 of 2016 on the file of the learned Judicial Magistrate, Fast Track Court No.II, Magisterial Level, Coimbatore, dated 05.04.2018,



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which was confirmed by the learned V Additional District and Sessions Judge, Coimbatore, in C.A.No.174 of 2018 dated 04.09.2019.

2. When the case came up for hearing on 24.08.2023, there was no representation for the Revision Petitioner. The learned Counsel for the Respondent was present in Court. Therefore, this Court had sought remarks from the learned Judicial Magistrate, Fast Track Court No.II Magisterial Level, Coimbatore, regarding the amount deposited by the Accused in C.C.No.151 of 2016 as per the judgment dated 05.04.2018. The learned Judicial Magistrate, Fast Track Court No.II, Magisterial Level, Coimbatore, was directed to offer remarks by return of email on or before 30.08.2023.

3. When the case came up for hearing on 14.09.2023, the learned Counsel for the Revision Petitioner was present in Court and submitted that the subject matter had been settled between the parties. On verification of the records, it was found that no memo of settlement was filed before this Court. Therefore, this Court had sought remarks from the learned Judicial Magistrate, Fast Track Court No.II, Magisterial Level, Coimbatore, to send a report regarding the amount deposited as per the



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judgment dated 05.04.2018 made in C.C.No.151 of 2016. The learned Judicial Magistrate, Fast Track Court No.II, Magisterial Level, Coimbatore, was directed to send a report by return of email on or before 21.09.2023. The case was adjourned to 21.09.2023.

4. Today, 21.09.2023, when the case came up for hearing, there was no representation for the Revision Petitioner, the learned Counsel for the Respondent is present in Court. This Court had received the report from the learned Judicial Magistrate, Fast Track Court No.II, Magisterial Level, Coimbatore, in letter in D.No.3289 of 2023 dated 20.09.2023.

5. As per the report of the learned Judicial Magistrate, Fast Track Court No.II, Magisterial Level, Coimbatore, the Accused in C.C.No.151 of 2016 had not deposited half of the cheque amount and has not complied with the order passed by this Court in Crl.M.P.No.17395 of 2019 in Crl.R.C.No.1286 of 2019 dated 26.11.2019.

6. Considering the conduct of the Revision Petitioner/Accused before this Court, there was no representation on the previous hearing dates. Subsequently, the learned Counsel for the Revision Petitioner



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submitted that there had been amicable settlement between the parties.

Also, the report of the learned Judicial Magistrate, Fast Track Court No.II Magisterial Level, Coimbatore, states that the Accused had not deposited the amount directed by this Court at the time of admission in Crl.R.C.No.1286 of 2019 dated 26.11.2019. This Criminal Revision Case had to be dismissed.

7. Accordingly, **this Criminal Revision Case stands dismissed** for non-compliance with the direction of this Court and also with the conduct of the Revision Petitioner. The learned Judicial Magistrate, Fast Track Court No.II, Magisterial Level, Coimbatore, is directed to issue warrant in continuation of the judgment of conviction recorded by the learned Judicial Magistrate, Fast Track Court No.II, Magisterial Level, Coimbatore, in C.C.No.151 of 2016 dated 05.04.2018 and detain the Accused in prison to undergo sentence of imprisonment.

21.09.2023

cda

Index : Yes/No

Speaking/Non-speaking order

NOTE: Issue Order Copy by 21.09.2023



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To

- 1.The Judicial Magistrate,
Fast Track Court No.II, Magisterial Level,
Coimbatore.
- 2.The V Additional District and Sessions Judge,
Coimbatore.
- 3.The Section Officer, VR Records,
High Court, Chennai.



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SATHI KUMAR SUKUMARA KURUP, J.,

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