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Crl.O.P.Nos.28019 & 28020 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.12.2023

CORAM :

THE HONOURABLE Dr. JUSTICE G.JAYACHANDRAN

Crl.O.P.Nos.28019 & 28020 of 2023
and Crl.M.P. Nos.19448 & 19449 of 2023

Ms.S.Maga
2023

... Petitioner in Crl.O.P. No.28019 of

M.Nirmala
2023

... Petitioner in Crl.O.P. No.28020 of

-VS-

T.K.T.G.Srinivasan

...Respondent in both Crl.O.P. Nos

COMMON PRAYER : Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to set aside the order, dated 14.06.2023 in Cr.M.P. Nos.1438 & 1437 of 2023 in C.A. Nos.86 & 85 of 2021 on the file of Principal District Court, Vellore, Vellore District.

For Petitioners : Mr.P.A.Sudesh Kumar in both Crl.O.Ps.



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COMMON ORDER

A criminal complaint filed under Section 138 of the Negotiable Instruments Act, 1881 and taken on file in C.C. Nos.105 & 106 of 2012 by the trial Court, after nine years, ended in conviction by judgment dated 22.11.2021, the accused had preferred Appeals before the Principal District Court, Vellore in C.A. Nos.86 & 85 of 2021 challenging the conviction and sentence.

2. Two years thereafter, Applications filed under Section 311 of Cr.P.C to re-open the Criminal Appeals for the purpose of filing documents and written arguments. The lower Appellate Court had framed the following points for consideration *'Whether the Petition filed under Section 311 Cr.P.C, to reopen the above Criminal Appeal for purpose of filing documents and Written Arguments and whether this petition may be allowed and (2) To what other relief?'*.



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3. The lower appellate Court, after considering the merits of the argument and hearing both sides, had dismissed the Applications stating that no valid and genuine reason stated in the petitions for re-open. The Court below had recorded that this Applications were filed on 27.03.2023, after the Appeals were heard and posted for Judgments on 31.03.2023. The Applications under Section 311 of Cr.P.C were defective and returned and subsequently, re-presented. Since the Applications were pending, the pronouncement of judgments withheld.

4. The learned counsel appearing for the petitioner submitted that being the last hope that the opportunity to re-open may be given, since material to show that it is a civil dispute between the parties been converted into Criminal complaint by misusing the blank cheques issued and suit for specific performance is still pending between the parties.

5. Though it may appear to be a fair request, considering the facts



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that the criminal complaint was lodged in the year 2012 and for 9 years, it was pending before the trial Court, the facts which now want to be registered were not a unknown facts to the petitioner, but having kept quite for all the nine years till the trial Court arrived at a conclusion and even after filing the Appeals, this Applications were not filed, till the appellate Court reserved the matter for judgement, which show that these Applications have no iota of genuineness. Therefore, this Court finds no material to interfere the Applications challenging the order passed by the trial Court. Hence, these Criminal Original Petitions are dismissed. Consequently, connected Miscellaneous Petitions are also dismissed.

15.12.2023

Internet : Yes/No
Index : Yes/No
rkp

To
The Principal District Judge,
Vellore.



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Dr.G.JAYACHANDRAN,J.
rkp

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