



WEB COPY



Crl.R.C.No.2178 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2023

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.2178 of 2023

and

Crl.M.P.No.19661 of 2023

1.R.Rajarajeswari

Proprietor of Parampariyam Silks

2.R.Karupurasundarapandian

Authorised Signatory of

Parampariyam Silks.

... Petitioners

Vs.

K.Raghupathi

... Respondent

PRAYER: Criminal Revision Case has been filed under Sections 397 and 401 of Cr.P.C, praying to set aside the order of the learned Judicial Magistrate No.IV, Salem in Crl.M.P.No.2791 of 2023 in S.T.C.No.1995 of 2020 dated 23.09.2023 and to allow the Criminal Revision Petition.

For Petitioners

: Mr.S.Parthasarathy



Crl.R.C.No.2178 of 2023

ORDER

WEB COPY

This petition has been filed to set aside the order passed by the learned Judicial Magistrate No.IV, Salem in Crl.M.P.No.2791 of 2023 in S.T.C.No.1995 of 2020 dated 23.09.2023 and to allow the Criminal Revision Petition.

2.The petitioners, who are accused in S.T.C.No.1995 of 2020 had filed a petition under Sections 251 and 258 of Cr.P.C. Admittedly, the petitioners are facing private complaint under Section 138 of the Negotiable Instruments Act. The Lower Court without considering that the primary requirement to entertain a petition under Section 258 Cr.P.C. is within the meaning that it should be a case registered by the police and not a case of a private complaint. In view of the above, this petition ought to have been dismissed on *limine* but the Lower Court had passed an order dated 23.09.2023 after elaborate discussion referring citations of I.P.C. offence



Crl.R.C.No.2178 of 2023

WEB COPY

cases, which exercise could have been avoided. The Lower Court ought to have been dismissed the petition under Section 258 Cr.P.C. at the initial stage but it had entertained and passed an order dismissing the complaint. This Court finds no reason to entertain the above revision. Hence, this Criminal Revision Case is dismissed.

3.Since the case is of the year 2020 and as per Section 142 of the Negotiable Instruments Act, any trial has to be completed within a period of six months, the Trial Court is directed to proceed with the trial and conclude the same within a period of three months from the date of receipt of a copy of this order. Consequently, connected Criminal Miscellaneous Petition is closed.

20.12.2023

Index : Yes/No

Speaking order / Non-speaking order

rsi



Crl.R.C.No.2178 of 2023

M.NIRMAL KUMAR, J.

Rsi

To

1.The Judicial Magistrate No.VI,
Salem.

2.The Public Prosecutor,
High Court, Madras.

Crl.R.C.No.2178 of 2023

and

Crl.M.P.No.19661 of 2023

20.12.2022