



CrI.R.C(MD)No.610 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.04.2023

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.R.C(MD)No.610 of 2018

Pandidurai ... Petitioner/Complainant

Vs.

Duraikannu ... Respondent/Accused

PRAYER: Criminal Revision Case filed under Section 397 r/w 401 of the Code of Criminal Procedure, to set aside the order of dismissal made in S.T.C.No.177 of 2016 on the file of the learned Judicial Magistrate, Aranthangi, dated 27.07.2018.

For Petitioner : Mr.T.Lenin KUmar

For Respondent : No appearance



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ORDER

This revision has been filed as against the order made in S.T.C.No.177 of 2016, dated 27.07.2018, on the file of the learned Judicial Magistrate, Aranthangi, thereby dismissing the complaint for non-prosecution.

2.No representation for the respondent.

3.The petitioner is the complainant, and he lodged the complaint as against the respondent for the offence punishable under Section 138 of the Negotiable Instruments Act.

4.After serving a summons to the respondent, the respondent was absent before the trial Court. Therefore, the trial Court issued a bailable warrant and while the bailable warrant was pending against the respondent/accused, the petitioner being the complainant failed to appear before the trial Court. Therefore, the trial Court dismissed the complaint for non-prosecution. Challenging the same, the petitioner has filed the present Revision.



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5.The learned counsel appearing for the petitioner would submit that the petitioner has got a good case to succeed before the trial Court.

6.Considering the above facts and circumstances, the petitioner may be given one more opportunity to put forth his case before the trial Court.

7.In view of the above, the order made in S.T.C.No.177 of 2016, dated 27.07.2018, on the file of the learned Judicial Magistrate, Aranthangi is set aside and the Criminal Revision Case is allowed. The trial Court is directed to restore the complaint and issue fresh summons to the respondent/accused and proceed with the trial.

18.04.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes
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To
The Judicial Magistrate,
Aranthangi.



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G.K.ILANTHIRAIYAN, J.

ps

Order made in
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