



Crl.R.C(MD)No.626 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.04.2023

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

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S.Sumathi Kannammal ... Petitioner/Complainant

Vs.

D.Anbil Kumaran ... 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 C.C.No.135 of 2017 on the file of the learned Judicial Magistrate (Fast Track Court), Palani, dated 11.08.2018.

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 C.C.No.135 of 2017, dated 11.08.2018, on the file of the learned Judicial Magistrate (Fast Track Court), Palani, thereby dismissing the complaint for non-payment of process fees.

2.Though the name of the respondent has been printed in the cause list, none appeared on behalf of the respondent either in person or through counsel.

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.When the trial Court had given sufficient opportunities for taking steps to serve notice on the respondent, the petitioner failed to pay the processing fee in order to serve the summons on the respondent herein. That apart, the petitioner was absent on 11.08.2018 and as such, the trial Court dismissed the complaint for



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non-prosecution and acquitted the respondent under Section 204(4)
of Cr.P.C.

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.In order to give one more opportunity to the petitioner, this Court is inclined to set aside the order passed by the trial Court. Accordingly, the order made in C.C.No.135 of 2017, dated 11.08.2018, on the file of the learned Judicial Magistrate (Fast Track Court), Palani is set aside and the Criminal Revision Case is allowed. The trial Court is directed to restore the complaint on file and the petitioner shall deposit the processing fee within a period of one week from the date of restoration of the said complaint before the trial Court, failing which, the order passed by this Court shall stand automatically cancelled and restored the order passed by the trial Court.

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NCC : Yes/No
Index : Yes/No
Internet : Yes



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1.The Judicial Magistrate (Fast Track Court),
Palani.



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G.K.ILANTHIRAIYAN, J.

ps

Order made in
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