



CRL.R.C.(MD).No.1218 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 03.02.2023

CORAM

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

CRL.R.C.(MD).No.1218 of 2022

C.Santhanakumar

: Petitioner/Complainant

Vs.

J.Siluvai Jeba @ Siluvai Arulappan Jebastin

: Respondent/Accused

PRAYER: Criminal Revision Petition has been filed under Section 397 r/w 401 of Cr.P.C, against the order dated 12.09.2022 in CrI.M.P.No.237 of 2021 by the learned Judicial Magistrate, (Special Court for the exclusive Trial of NI Act Cases), Tirunelveli dismissing the complaint filed by the complainant u/s 138 and 142 of Negotiable Instruments Act against the accused under Section 256 of Cr.P.C.

For Petitioner : Mr.B.Selvanayagam

For Respondent : Mr.M.Maharaja



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ORDER

This Revision Petition has been preferred against the order of dismissal passed by the trial court which was filed by the petitioner in Cr.M.P.No.237 of 2022.

2. The revision petitioner has filed a private complaint under Section 200 Cr.P.C against the respondent herein stating that the respondent has committed offence punishable under Section 138 of Negotiable Instruments Act and the aforesaid case was taken on file and the matter was kept pending and because of the non appearance of the revision petitioner it was dismissed for default against which this revision petitioner has been preferred.

3. Even though it has been stated by the trial court that more than 12 adjournments have been granted to the revision petitioner for appearance, the learned counsel for the respondent submits that this revision petition may be allowed on payment of costs and on that ground, a cost of Rs.2000/- (Rupees Two Thousand Only) has been imposed upon the petitioner to be payable to the respondent directly. After such payment, the petitioner is directed to file a compliance memo.



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4. In view of the aforesaid payment of cost, this revision is allowed and the order of dismissal passed by the trial court in Crl.M.P.No.237 of 2021 by the learned Judicial Magistrate, (Special Court for the exclusive Trial of NI Act Cases), Tirunelveli, is set aside. The matter is remanded back to the trial court and the petitioner is directed to appear before the trial court on 27.02.2023 without fail. If any failure is noticed on that day, the order of dismissal that was passed by the trial court shall stand revived.

03.02.2023

Index : Yes/No

Internet : Yes/No

CM

To

1.The Judicial Magistrate, (Special Court for the exclusive Trial of NI Act Cases), Tirunelveli

2.The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGO VAN, J.

CM

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