



CRL.R.C.No.734 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.04.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CRL.R.C.No.734 of 2024

K.Jansi Rani

... Petitioner

Vs.

R.Meganathan
S/o.Ranganathan,
Now Presently working at
Security and intelligence Service (India Ltd)
SIS Vellore Branch,
No.306-A, II Floor, Sri Balaji Complex,
Katpadi Main Road,
New Palar Bridge, Viruthumpet,
Vellore District - 632 006.

... Respondent

PRAYER : Criminal Revision Petition filed under Section 397 r/w 401 of Cr.P.C., to set aside the order made in CrI.A.No.624 of 2018 in C.C.No.1288 of 2009 dated 14.06.2019 on the file of the Principal Sessions Court, Chennai and also conviction order dated 24.01.2018 made in C.C.No.1288 of 2009 on the file of the Metropolitan Magistrate, Fast Track Court - II, Allikulam, Chennai.



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For Petitioner : Mr.G.Nirmal Krishnan
For Respondent : Mr.Rajesh Anwar Mahimaidoss

ORDER

This Criminal Revision Case has been filed against the *ex-parte* order dated 14.06.2019 passed in CrI.A.No.624 of 2018 in C.C.No.1288 of 2009 by the learned Principal Sessions Judge, Chennai and also the conviction order dated 24.01.2018 made in C.C.No.1288 of 2009 on the file of the Metropolitan Magistrate, Fast Track Court - II, Allikulam, Chennai.

2. The petitioner is arrayed as accused in C.C.No.1288 of 2009 for the offence under Section 138 of Negotiable Instruments Act. On 03.01.2009, the petitioner has borrowed a sum of Rs.3,00,000/- from the respondent for her personal needs. On receipt of the same, a cheque has been issued by the petitioner bearing Cheque No.503536 dated 11.03.2009. However, the said cheque was dishonoured with endorsement "funds



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insufficient". Further, on 24.03.2009, the respondent had issued the statutory notice through his counsel and the same was received by the petitioner on 25.03.2009. On receipt of the notice, the petitioner had not issued a reply notice to the respondent. Hence, the respondent filed a complaint under Section 138 of Negotiable Instruments Act in C.C.No.1288 of 2009 before the learned Metropolitan Magistrate, Fast Track Court - II, Allikulam, Chennai and the same has been allowed on 24.01.2018 by convicting the petitioner for the offence under Section 138 of Negotiable Instruments Act and sentenced to undergo one year Simple Imprisonment and to pay a fine amount of Rs.6,00,000/-, in default, to undergo three months Simple Imprisonment. As against the order of conviction, the petitioner filed an appeal in Crl.A.No.624 of 2018 before the learned Principal Sessions Judge, Chennai. However, the same was dismissed on the ground that the petitioner has not appeared before the appellate Court and not taken any steps to pursue the appeal. Aggrieved over the same, the present petition has been filed.



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3. The learned counsel appearing for the petitioner submitted that during the pendency of the above criminal appeal, the petitioner's father passed away due to COVID-19 and hence, the petitioner was not in a position to pursue the appeal. He further submitted that, he is ready to pay an amount of Rs.25,000/- to reopen the appeal.

4. The learned counsel for the respondent has no objection.

5. Heard the learned counsel appearing for the petitioner and the learned counsel for the respondent.

6. It is seen from records that the appeal filed by the petitioner against his conviction has been dismissed for default. It is the case of the petitioner that he has a bright chance of getting acquittal in the appeal. Hence, he prayed to reopen the appeal. Considering the said submission and in order to afford an opportunity to the petitioner to prove his case, this



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Court directs the petitioner to pay a sum of Rs.25,000/- [Rupees Twenty Five Thousand only] as costs to the respondent within a period of two (2) weeks from the date of receipt of a copy of this order, to reopen the appeal. Upon filing proof for such payment before the appellate Court, the appellate Court shall restore the appeal to file and dispose of the same after hearing both parties as expeditiously as possible.

7. Accordingly, this Criminal Revision Case is disposed of with the above directions.

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NCC : Yes / No
Index : Yes / No
Speaking Order : Yes / No

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To

1. The learned Principal Sessions Judge,
Sessions Court,
Chennai.

2. The learned Metropolitan Magistrate,
Fast Track Court - II,



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Allikulam,
Chennai.



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M.DHANDAPANI, J.

vji

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