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Crl.M.P.No.1901 of 2024
in Crl.R.C.SR.No.60964 of 2023

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M. NIRMAL KUMAR, J.

This petition has been filed seeking to dispense with the production of certified copy of the judgment in C.C.No.1772 of 2021 dated 15.02.2023.

2.The learned counsel for the respondent/complainant submitted that it is a case under Section 138 of the Netotiable Instruments Act. The respondent had filed a private complaint against the petitioner in C.C.No.1772 of 2021 and the petitioner was convicted by the trial Court by judgement dated 15.02.2023 and sentenced him to undergo 6 months simple imprisonment and to pay the amount of Rs.20 lakhs as compensation which inclusive of cheque amount of Rs.18 lakhs. The petitioner not paid the amount and he preferred an appeal before the Sessions Court in C.A.No.185 of 2023. The learned Sessions Judge, by judgment dated 05.10.2023, dismissed the appeal confirming the conviction and sentence of the trial Court, against which, the present revision.

3.The learned counsel for the respondent submitted that normally he



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in Crl.R.C.SR.No.60964 of 2023

does not make objections in dispense with petition but in this case the whereabouts of the petitioner is not known. The address given by the petitioner is Door No.25/3, Pillaiyar Koil Street, Eldams Road, Murugan Temple, Teynampet, Chennai-18. After the conviction of the petitioner, the respondent had taken steps to serve notice to the petitioner but notice could not be served on the given address, it was returned as 'No such person'. During the appeal, despite the respondent insisting about the presence of the appellant/petitioner, the petitioner failed to appear even for one occasion. Further, the Sessions Court while entertaining the appeal, directed the petitioner to deposit 20% of the cheque amount in Crl.M.P.No.8494 of 2023, dated 23.06.2023. But the conditional order not complied with by the petitioner.

4.He further submitted that on the previous hearing date on 23.02.2024, when he made a submission that the whereabouts of the petitioner is not known, this Court directed the petitioner to be present before this Court and file an affidavit giving his present and correct address, where he is available.



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in Crl.R.C.SR.No.60964 of 2023

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5.Today, the learned counsel for petitioner submitted that he cannot furnish the address of the petitioner. In view of the non compliance of the order of this Court, this Court is not inclined to entertain this petition. Accordingly, this Criminal Miscellaneous Petition is dismissed. Consequently, the Crl.R.C.SR.No.60964 of 2023 is rejected at the SR stage itself.

6.The learned counsel for the respondent/complainant is directed to take appropriate steps to execute the conviction warrant against the petitioner and the Commissioner of Police, Chennai is directed to give appropriate direction to the concerned police to execute the conviction warrant against the petitioner.

06.03.2024

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