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Crl. R.C. No.246 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.10.2024

CORAM:

THE HON'BLE MR. JUSTICE M. NIRMAL KUMAR

Crl. R.C. No.246 of 2024

and

Crl. M.P.No.2243 of 2024

1.Sakthi Machine Tools
Rep. by its Proprietor,
Mrs.A.Gunasundari,
No.15, Gnanappan Nagar,
22nd Cross Street,
Thirunindravur - 602 024.

2. A.Gunasundari

... Petitioners

vs.

N. Sivakumar

...Respondent

Prayer: Criminal Revision Petition filed under Section 397 and 401 of Cr.P.C. against the order passed by the learned Judicial Magistrate, Fast Track Court at Magisterial level, Thiruvallur dated 18.12.2023 in Crl. M.P.No.2670 of 2023 in STC No.31 of 2023.

For Petitioners : Mr. V. Sairam

For Respondent : Mr. K.M. Mrithun Jayan



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ORDER

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The petitioners challenged the order passed in Crl. M.P.No.2670 of 2023 in S.T.C No.31 of 2023 dated 18.12.2023 by condoning the delay in filing a private complaint under Section 138 of Negotiable Instruments Act beyond the period of limitation.

2. The contention of the petitioners is that S.T.C No.31 of 2023 had been first numbered and thereafter, condone delay petition has been entertained under Section 142 (B) of the Negotiable Instruments Act, which is not proper. Hence, filed the above petition.

3. The counsel for the respondent submitted that the petitioners had filed the present petition before this Court suppressing the order passed by the Sessions Court in S.T.C. No.2 of 2024 on 06.01.2024. In the said order, the Principal Sessions Judge, Suo moto took cognizance and took on file S.T.C.No.31 of 2020 and set aside the cognizance order and took the issue of limitation after hearing the petitioners and thereafter, the condone delay petition was allowed and directed the case to be taken cognizance. The anomaly which was said due to the Covid-19



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situation has been corrected by the suo moto order passed by the Sessions Judge and nothing survives in the impugned order as challenged by the petitioners. If at all the petitioners have any grievance, they have to challenge the order passed by the Sessions Judge.

4. Learned counsel for the petitioners submitted that though in S.T.C. No.2 of 2024 the cognizance taken in S.T.C.No.31 of 2020 has been set aside, now fresh cognizance has to be taken on S.T.C. No.2 of 2024. In the docket entry order dated 06.01.2024, the Magistrate has not given any particulars or reasons as regards referring to the suo moto order passed by the Sessions Judge.

5. This Court on the submission finds that the cognizance earlier taken in S.T.C.No.31 of 2020 has been set aside and the new cognizance taken in S.T.C. No.2 of 2024 pursuant to the suo moto order passed by the Sessions Judge. If at all the petitioners require, they have to challenge the order of the suo moto passed by the Sessions Judge. If at all the petitioners might need the particulars, they have to file an application to the Magistrate or to the Principal Sessions Judge. The said order to be



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M. NIRMAL KUMAR, J.

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furnished to the petitioners. Thereafter, it is for the petitioners to adjudicate the same.

6. Accordingly, this Criminal Revision Petition is disposed of. Consequently, connected miscellaneous petition is closed.

28.10.2024

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Index: Yes/No

Internet: Yes/No

Speaking Order/Non-Speaking Order

To

Judicial Magistrate, Fast Track Court at Magisterial level, Thiruvallur.

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