



WEB COPY



Crl.R.C.No.426 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2024

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.R.C.No.426 of 2024

N.Sangeetha

... Petitioner/Accused

Vs.

B.Ukakrisanth

... Respondent

Prayer: Criminal Revision Petition filed under Sections 397 read with section 401 of Code of Criminal Procedure, praying to set aside the order passed in C.M.P.No.2116 of 2022 in unnumber Criminal Appeal dated 24.08.2023 by the learned Principal District Sessions Judge, Namakkal.

For Petitioner : Mr.B.Ukakrisanth

For Respondent : M/s. S.Thankira

ORDER

The above revision challenges the dismissal of the petitioner's petition to condone the delay of 32 days in filing the appeal against the conviction for the offence under Section 138 of Negotiable Instrument Act and sentencing him to undergo one year simple imprisonment and to pay the cheque amount of Rs.1,50,000/-.



2. The petitioner had filed an appeal with a delay of 32 days. However, the said petition was dismissed on the ground that there was no representation for the petitioner as well as the respondent.

3. The learned counsel appearing for the petitioner submitted that his right to file an appeal has been curtailed due to non appearance of the counsel before the court and it is neither willful nor wanton and that the petitioner may be given an opportunity to pursue the appeal against the judgment of conviction, on merits.

4. The learned counsel for the respondent submitted that the petitioner has not paid the cheque amount so far and that the attempt is only to drag on the proceedings, defeat and delay the payment of the cheque amount.

5. The petition to condone the delay was dismissed for non-appearance and consequently, the appeal against conviction filed by the petitioner was not entertained. This court is of the view that since the delay is only 32 days, the petitioner's right to challenge the judgment of conviction, cannot be deprived. However, considering the facts and circumstances, this Court is of the view that the petition can be allowed on terms. Therefore the



Crl.R.C.No.426 of 2024

impugned order can be set aside on the condition that the petitioner deposits 25 % of the cheque amount to the credit of C.C.No.519 of 2021 on the file of the Judicial Magistrate, Additional Mahila Court, Namakkal. On such deposit, the petition to condone the delay would be allowed and the Court may number the appeal and dispose the case on merits as expeditiously as possible.

6. In view of the above, this Criminal Revision Petition stands allowed.

16.12.2024

Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
av

To

- 1.The learned Principal District Sessions Judge,
Namakkal.
2. The Judicial Magistrate,
Additional Mahila Court, Namakkal
- 3.The Public Prosecutor,
High Court, Madras.



WEB COPY



Crl.R.C.No.426 of 2024

SUNDER MOHAN, J.

av

Crl.R.C.No.426 of 2024

16.12.2024