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Crl.R.C.No.390 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2024

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.R.C.No.390 of 2022

R.Chinnasamy Naidu

... Petitioner

Vs.

M.Sathyanathan

... Respondent

Prayer:

Criminal Revision Case filed under Section 397 r/w 401 of Criminal Procedure Code, seeking to set aside the judgment, conviction passed by the Hon'ble Principal District and Sessions Judge of Kancheepuram District at Chengalpattu in C.A.No.28 of 2020 on 11.01.2022 confirming the order passed by the learned Judicial Magistrate, Fast Track Court (Magisterial Level) Alandur in C.C.No.67 of 2017 on 23.01.2020.

For Petitioner : Mr.M.Jaikumar
For Respondent : Mr.S.Ramesh

ORDER

The criminal revision case has been filed seeking to set aside the judgment, conviction passed by the learned Principal District and



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Sessions Judge of Kancheepram District at Chengalpattu in C.A.No.28 of 2020 on 11.01.2022 confirming the order passed by the learned Judicial Magistrate, Fast Track Court (Magisterial Level) Alandur in C.C.No.67 of 2017 on 23.01.2020.

2.The case of the petitioner is that the petitioner is the accused in C.C.No.67 of 2017. The respondent is the complainant in C.C.No.67 of 2017 before the learned Judicial Magistrate, Fast Track Court (Magisterial Level) Alandur and he filed complaint under Section 138 of the Negotiable Instruments Act as against the petitioner and after adjudication, the trial Court convicted the accused/ petitioner for the offence under Section 138 of the Negotiable Instruments Act and sentenced him to undergo simple imprisonment for one year and to pay Rs.37 Lakhs as compensation to the complainant within 30 days in default to undergo simple imprisonment for 30 days. Aggrieved by the same, the petitioner preferred appeal in Crl.A.No.28 of 2020 and the learned Principal District and Sessions Judge of Kancheepram District at Chengalpattu vide order dated 11.01.2022 dismissed the said appeal. Challenging the same, the petitioner has filed this revision.



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3.The learned counsel appearing for the petitioner submitted that the learned Principal District and Sessions Judge of Kancheepram District at Chengalpattu dismissed the appeal on the ground that the petitioner failed to advance his argument. The learned counsel further submitted that there are arguable points involved in the appeal and since the petitioner could not appear before the Court below, the appeal filed by the petitioner came to be dismissed and hence, this Court may set aside the impugned order and issue direction to the Court below to restore the appeal and decide the same on merits and in accordance with law, after giving opportunity to the petitioner as well as the respondent.

4.The learned counsel appearing for the respondent raise no serious objection.

5.In view of the consent view expressed by the learned counsel appearing on either side, this Court, set aside the order dated 11.01.2022 passed in C.A.No.28 of 2020 by the learned Principal District and Sessions Judge of Kancheepram District at Chengalpattu. The learned Principal District and Sessions Judge of Kancheepram



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M.DHANDAPANI,J.
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District at Chengalpattu, shall restore C.A.No.28 of 2020 on its file and decide the appeal on merits and in accordance with law and after providing opportunity to the petitioner and the respondent, dispose of the same within a period of three months from the date of receipt of a copy of this order.

6.This revision is allowed on the above terms.

24.06.2024

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Index: Yes/ No

Speaking Order: Yes/ No

NCC: Yes/ No

To

- 1.The Principal District and Sessions Judge of Kancheepuram District at Chengalpattu.
- 2.The Judicial Magistrate,
Fast Track Court (Magisterial Level)
Alandur.

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