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Crl.R.C.No.1098 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.07.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.R.C.No.1098 of 2024

Sree Gokulam Chit and Finance Company Pvt. Ltd.,
Represented by its Deputy Manager,
Mr.V.Premkumar,
Having Office at No.205,
Sattar Building,
Commercial Road,
Ootacamund,
Nilgiris.

... Petitioner

Vs.

Ruckmani Halan

... Respondent

PRAYER : Criminal Revision filed under Section 397 r/w 401 of the code of Criminal Procedure, to set aside the order dated 05.02.2024 in S.T.C.No.54 of 2023 on the file of the Judicial Magistrate, Udthagamandalam and restoring the complaint to file.

For Petitioner : Mr.B.Chandrasekaran

For Respondent : Mr.J.Srinivasan



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ORDER

This criminal revision case is filed against the order dated 05.02.2024 passed in S.T.C.No.54 of 2023 by the learned Judicial Magistrate, Udhagamandalam.

2. The learned counsel appearing for the petitioner submits that the respondent is arrayed as accused in the complaint instituted by the petitioner under Section 138 of Negotiable Instruments Act before the learned Judicial Magistrate, Udhagamandalam which was taken on file in S.T.C.No.54 of 2023. However, the same was dismissed as non-payment of process fee on 05.02.2024. He would further submit that, to show his *bona fide*, the petitioner is ready to pay a sum of Rs.5,000/- to the District Legal Services Authority, Udhagamandalam, Nilgiris and this Court may set aside the impugned order passed by the trial Court, since without providing opportunity to the petitioner, the case was dismissed for non-payment of process fee on 05.02.2024.

3. The learned counsel appearing for the respondent has no serious



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objection to the submission made by the learned counsel appearing for the petitioner.

4. Considering the submissions made by the learned counsel appearing for the petitioner and the fact that the complaint filed by the petitioner in S.T.C.No.54 of 2023 was dismissed as non-payment of process fee on 05.02.2024, in order to give one opportunity to the petitioner, this Court is inclined to set aside the order dated 05.02.2024 passed in S.T.C.No.54 of 2023 by the learned Judicial Magistrate, Udthagamandalam and accordingly, it is set aside on the following terms:

(i) the petitioner is directed to pay a sum of Rs.5,000/- (Rupees Five Thousand only) to the District Legal Services Authority, Udthagamandalam, Nilgiris and a proof to that effect shall be produced before the learned Judicial Magistrate, Udthagamandalam.

(ii) On production of proof by the petitioner, the learned Judicial



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Magistrate, Udhagamandalam, is directed to restore S.T.C.No.54 of 2023 on file and decide the case on merits and in accordance with law, after providing sufficient opportunity to the petitioner and the respondent, and dispose of the same as expeditiously as possible.

5. Accordingly, the Criminal Revision Case is allowed.

11.07.2024

NCC : Yes / No

Index : Yes / No

Speaking Order : Yes / No

vji

To

The learned Judicial Magistrate,
Udhagamandalam.



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M.DHANDAPANI, J.

vji

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