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CrI.R.C.No.609 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2024

CORAM

THE HONOURABLE MR.JUSTICE **M.NIRMAL KUMAR**

CrI.R.C.No.609 of 2024

K.P.R.Mills Limited,
275 Avinashi Road,
Kitamapalayam,
Marumathampatti,
Coimbatore.

Represented by its Authorised Signatory
V.Srinivasan

... Petitioner

Vs.

K.Prema

... Respondent

PRAYER: Criminal Revision Petition filed under Sections 397 r/w. 401 of Criminal Procedure Code, to set aside the docket order dated 23.01.2020 made in C.C.No.866 of 2015 on the file of the Judicial Magistrate Court No.I, Tiruppur by appreciating the facts and circumstances.

For Petitioner : Mr.T.Balaji



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ORDER

This Criminal Revision Petition has been filed seeking to set aside the docket order dated 23.01.2020 made in C.C.No.866 of 2015 on the file of the Judicial Magistrate Court No.I, Tiruppur.

2.The petitioner as complainant had filed a private complainant against the respondent for offence under Section 138 of the Negotiable Instruments Act before the learned Judicial Magistrate No.IV, Salem on 26.03.2013, which was taken on file in S.T.C.No.256 of 2013 and the same was pending before the learned Judicial Magistrate No.IV, Salem. In the meanwhile, in view of the Hon'ble Apex Court judgment on the point of jurisdiction, the cheque cases under Section 138 of N.I. Act have to be presented within the jurisdiction of the complainant. Hence, the petitioner's complaint was transferred to Judicial Magistrate Court No.I, Tiruppur. But the petitioner was not informed about the transfer and before which Court in



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Tiruppur it was pending, was also not intimated to the petitioner. The petitioner was not aware about the subsequent development. Neither the petitioner nor the respondent appeared before the learned Judicial Magistrate No.I, Tiruppur. This being so, suddenly, the petitioner came to know that the case has been assigned C.C.No.866 of 2015 and the same was dismissed by the learned Judicial Magistrate No.I, Tiruppur on 23.01.2020. The petitioner submits that the trial Court dismissed the complaint under Section 204(4) of Cr.P.C. on technical grounds for not taking process. He further submitted that there are three cheques involved in this case and the total cheque amount is around Rs.9,89,936/-. The respondent during business transaction purchased yarn from the petitioner on credit basis and the respondent has to pay Rs.9,89,936/-, in discharge of liability cheques issued.

3.This Court finds that the reason given by the petitioner is reasonable. The respondent/accused not appeared before the trial Court and the case was dismissed for not taking process. In view of the same, this Court



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finds, notice to the respondent not required. Accordingly, notice to the respondent is dispensed with.

4.It is seen that the complaint was dismissed under Section 204(4) of Cr.P.C. on technical ground for not taking process and not on merits. The substantial justice would be rendered to the petitioners only after full-fledged trial.

5.In view of the above, the impugned order dated 23.01.2020 passed in C.C.No.866 of 2015 by the learned Judicial Magistrate No.I, Tiruppur is set aside and the complaint in C.C.No.866 of 2015 is restored to the file of learned Judicial Magistrate No.I, Tiruppur. Accordingly, the Criminal Revision Case is allowed.

6.The learned Judicial Magistrate No.I, Tiruppur is directed to take the complaint on file and proceed with the case and dispose of the same on its own merits.



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7.The learned counsel for petitioner undertakes that the petitioner will not be a reason for any delay and he would diligently prosecute the case.

The petitioner shall appear before the trial Court on 15.04.2024 along with this order copy. The trial Court is directed to give priority in this case considering that the case is pending from the year 2013 and dispose of the same without delay.

28.03.2024

Index : Yes/No

Internet : Yes/No

Speaking order/Non speaking order

Neutral Citation: Yes/No

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Note: Issue order copy on 10.04.2024.

To

The Judicial Magistrate No.I,
Tiruppur.



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M.NIRMAL KUMAR, J.

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