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Crl.R.C.No.1359 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.08.2024

CORAM:

THE HON'BLE MR.JUSTICE M. NIRMAL KUMAR

Crl.R.C.No.1359 of 2024

and

Crl.M.P.No.11588 of 2024

R.Venkatesan

... Petitioner

Vs.

P.C.Sudharshanam

... Respondent

PRAYER: Criminal Revision filed under Sections 438 and 442 of Bharatiya Nagarik Suraksha Sanhita, to call for the records and set aside the impugned order dated 15.06.2024 passed by the learned Judicial Magistrate-II, Ponneri in Crl.M.P.No.1052 of 2024.

For Petitioner : Mr.P.Jesus Moris Ravi – No appearance

ORDER

This Criminal Revision has been filed to set aside the impugned order dated 15.06.2024 passed by the learned Judicial Magistrate-II, Ponneri in Crl.M.P.No.1052 of 2024.



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2. When the matter was taken up for hearing on 22.08.2024, there was no representation for the petitioner. Hence, in order to give one more opportunity to the petitioner to argue the case, the matter was directed to be listed on 23.08.2024 under the caption 'For Dismissal'. Today, when the matter is called, again there is no representation for the petitioner either in person or through counsel. Hence, this Court on the materials available passing the following orders on merits.

3. The petitioner/accused, who is facing trial in S.T.C.No.2 of 2018 for offence under Section 138 of the Negotiable Instruments Act, had filed a petition under Section 294 Cr.P.C. in Crl.M.P.No.1052 of 2024. The same was dismissed by order dated 15.06.2024, against which, the present revision has been filed.

4. The contention of the petitioner is that during cross examination of the respondent/complainant it is admitted that the ARR Chit Fund Private



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Ltd. sustained huge loss in the year 2016. Further he questioned with regard to the statement of account of the petitioner from ARR Chit Fund Private Ltd. and K.S.Associates. For cross examination of witnesses the above miscellaneous petition has been filed.

5.The contention of the respondent is that the trial of the case is almost completed. The case is at the stage of arguments. The cross examination of complainant was completed on 05.02.2021. Thereafter the petitioner not taken any steps and belatedly after three years, the above petition has been filed at the stage of arguments to protract the proceedings and to defeat justice.

6.On perusal of the materials available on record, it is seen that in this case the relevant witnesses examined as early as on 05.02.2021. Thereafter for three years the petitioner kept quite and with considerable delay in the year 2024 the present petition has been filed. No reason has been



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given as to why belatedly such petition filed. The witnesses have been cross examined, which is captured in the impugned order.

7.In view of the same, this Court finds no reason to interfere with the impugned order passed by the trial Court. Accordingly, the Criminal Revision Case is dismissed. Consequently, connected Criminal Miscellaneous Petition is closed.

23.08.2024

Index : Yes/No

Internet : Yes/No

Speaking Order/Non Speaking Order

Neutral Citation: Yes/No

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To
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1.The Judicial Magistrate-II,
Ponneri.

2.The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

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