



Crl.R.C.No.722 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.04.2024

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.R.C.No.722 of 2024

G.Prabhakaran

... Petitioner

Vs.

U.Dinakaran

... Respondent

Prayer:

Criminal Revision Case filed under Section 397 and 401 of Criminal Procedure Code, seeking to set aside the order passed by the Criminal Appeal No.08 of 2021 on the file of Additional District Judge, [FTC], Arani, Tiruvannamalai District dated 10.04.2023 and restore the Criminal Appeal No.08 of 2021 on the file of Additional District Judge, [FTC], Arani, Tiruvannamalai District dated 10.04.2023 and confirming the judgment passed in C.C.No.298 of 2013 on the file of the Judicial Magistrate, Arani, Tiruvannamalai District.

For Petitioner : M/s.D.Babu Varadharajan
For Respondent : Mr.R.Parthiban

ORDER

The criminal revision case has been filed seeking to set aside the order passed by the learned Additional District Judge, [FTC], Arani, Tiruvannamalai District dated 10.04.2023 in Criminal Appeal



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No.08 of 2021.

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2.The learned counsel for the petitioner submitted that the respondent filed complaint under Section 138 of the Negotiable Instruments Act against the petitioner in C.C.No.298 of 2013 before the learned Judicial Magistrate, Arani, Tiruvannamalai District and the said case ended in conviction on 09.02.2021. Challenging the same, the petitioner filed Criminal Appeal No.8 of 2021 before the learned Additional District Judge [FTC], Arani, Tiruvannamalai District and the same was dismissed on 10.04.2023.

3.The learned counsel for the petitioner further submitted that since the petitioner could not appear before the Court below, the appeal filed by the petitioner came to be dismissed. The learned counsel further submitted that 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, however submitted that in the event of this Court



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considering the relief now sought for by the learned counsel for the petitioner, this Court may impose some cost on the petitioner to be paid to the respondent.

5.Heard the learned counsel appearing for the petitioner as well as the learned counsel appearing for the respondent.

6.In view of the consent view expressed by the learned counsel appearing on either side, this Court, set aside the order dated 10.04.2023 passed in Criminal Appeal No.8 of 2021 by the learned Additional District Judge [FTC], Arani, Tiruvannamalai District on condition that the petitioner pay a sum of Rs.20,000/- (Rupees Twenty Thousand Only) as costs to the respondent, within a period of two weeks from the date of receipt of a copy of this order and file proof for such payment before the learned Additional District Judge [FTC], Arani, Tiruvannamalai District. Upon such proof being filed by the petitioner, the learned Additional District Judge [FTC], Arani, Tiruvannamalai District, shall restore Criminal Appeal No.8 of 2021 on its file and decide the appeal on merits and in accordance with law, after providing opportunity to the petitioner and the respondent.



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M.DHANDAPANI,J.
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7.This revision is allowed on the above terms.

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Index: Yes/ No

Speaking Order: Yes/ No

NCC: Yes/ No

To

1.The Additional District Judge [FTC],
Arani, Tiruvannamalai District.

2.The Judicial Magistrate,
Arani, Tiruvannamalai District.

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23.04.2024