



WEB COPY



Crl.M.P.No.4972 of 2024

Crl.M.P.No.4972 of 2024

in

Crl.R.C.No.1077 of 2022

M. NIRMAL KUMAR, J.

This petition is filed seeking to restore the Crl.R.C.No.1077 of 2022 on file, which was dismissed for default on 30.09.2022.

2.This Court, by order dated 30.09.2022, dismissed the revision for the reason that petitioner was not ready for arguments.

3.The learned counsel for petitioner submitted that the petitioner as accused faced trial before the learned Judicial Magistrate, Fast Track Court, Kallakuruchi in C.C.No.45 of 2013 on a complaint filed by the respondent for offence under Section 138 of the Negotiable Instruments Act. On the conviction, he preferred an appeal in C.A.No.23 of 2019, the same is also dismissed, against which, the revision in Crl.R.C.No.1077 of 2022 filed. The issue now got resolved between the petitioner and the respondent/complainant. The petitioner paid the amount and discharged his liability. The respondent is ready to file a petition under Section 147 of Negotiable Instruments Act to withdraw the complaint and compound the



WEB COPY



Crl.M.P.No.4972 of 2024

NIRMAL KUMAR, J.

rsi

offence. Due to the dismissal of the above revision, the conviction and sentence against the petitioner is looming against him.

4.Finding that the revision was dismissed on technicalities and not on merits, this Court is inclined to restore the revision. Accordingly, this Criminal Miscellaneous Petition is ordered and Crl.R.C.No.1077 of 2022 is restored on file.

26.03.2024

(1/2)

rsi

Crl.M.P.No.4972 of 2024

in

Crl.R.C.No.1077 of 2022