



Crl.R.C.(MD).No.419 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 23.07.2024

CORAM

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

Crl.RC(MD)No.419 of 2024

M.Ramanathan

... Petitioner

Vs.

V.P.John Devapriyam

... Respondents

PRAYER: Criminal Revision Petition has been filed under Section 397 r/w 401 of Cr.P.C., to call for the entire records from the Lower Court relating to the order dated 16.11.2023 in S.T.C.No.85 of 2022 on the file of the learned Special Court for Exclusive Trial of Negotiable Instruments Act, Tirunelveli and set aside the same and allow the present Criminal Revision Petition.

For Petitioner : Mr.K.Jeyamohan

For Respondent : Mr.B.Gangaraj

ORDER

This Criminal Revision Case has been filed to call for the entire records from the Lower Court relating to the order dated 16.11.2023 in S.T.C.No.85 of



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2022 on the file of the learned Special Court for Exclusive Trial of Negotiable Instruments Act, Tirunelveli and set aside the same and allow the present Criminal Revision Petition.

2. On the promise of obtaining a Government job, the respondent received a sum of Rs.11,00,000/- from the petitioner. Thereafter, the respondent has not arranged any job to the petitioner. Therefore, the petitioner demanded the said amount, the respondent issued a cheque to the petitioner. The petitioner presented the cheque before the Tamilnadu Mercantile Bank, NGO colony Branch, Tirunelveli Branch and the same was returned for insufficient funds. Therefore, the petitioner sent a legal notice through his counsel on 31.01.2022 and the respondent received the same and he did not give any reply. Hence, the petitioner has filed complaint under Section 138 r/w 142 of Negotiable Instruments Act against the respondent and the same was taken on file in S.T.C.No.85 of 2022 on the file of the learned Special Court for Exclusive Trial of Negotiable Instruments Act, Tirunelveli.

3. After the appearance of the respondent, the case was posted for trial and the case was listed on 30.10.2023 for the cross examination of the



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petitioner/complainant. On that date, the petitioner did not appear. Therefore, the case was dismissed for non-prosecution for the absence of the complainant. Challenging the same, this Criminal Revision Case has been filed.

4. The learned counsel for the petitioner submits that the petitioner appeared on every hearing dates without fail and the case was originally posted on 14.11.2023 and thereafter, the said date was declared as holiday. Therefore, the case was adjourned to 16.11.2023. The said hearing date was not communicated to the petitioner. Therefore, he has not appeared on that date. Hence, there was no mistake on the side of the petitioner.

5. The learned counsel for the respondent submitted that the petitioner did not co-operate with the trial process and he was purposely avoiding the hearing dates. Hence, the order passed by the learned judge is reasonable one.

6. Heard both sides and perused the materials available on record.

7. From the records, this Court finds that the petitioner regularly appeared before the trial Court as rightly argued by the learned counsel for the petitioner



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and there was a miscommunication of the last hearing date. In order to give adequate opportunity to the petitioner to putforth his case, this Court is setting aside the order passed in S.T.C.No.85 of 2022 on the file of the learned Special Court for Exclusive Trial of Negotiable Instruments Act, Tirunelveli, dated 16.11.2023, and issues the following directions :

(i) The petitioner is directed to pay a sum of Rs.5,000/- directly to the respondent within a period of two weeks from the date of receipt of a copy of this order.

(ii) The learned Special Court for Exclusive Trial of Negotiable Instruments Act, Tirunelveli is directed to complete the trial within a period of six months from the date of receipt of a copy of this order.

23.07.2024

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
tta

To,

1. The Special Court for Exclusive Trial of Negotiable
Instruments Act,
Tirunelveli



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K.K.RAMAKRISHNAN, J.

tta/sbn

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