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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **20-02-2025**

CORAM

THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL MP NO. 1825 of 2025

in

Crl.R.C.No.1274 of 2019

VISWANATHAN

S/o.Kannusamy, Poondhottam Keezhi Street,
Aalangudi Post, Valangaiman Taluk.

Appellant(s)

Vs

Senthil Kumar

S/o.Thaaayumanavan, 35e, Gopiralayam Road,
Mannargudi, Thiruvarur District.

Respondent(s)

For Appellant(s):

D.Murugan

For Respondent(s):

Thirukumaran (legal Aid Counsel For Respondent)

ORDER

The petitioner/accused in S.T.C.No.1354 of 2017, was convicted by the trial Court on the complaint of the respondent for an offence under Section 138 of Negotiable Instruments Act and sentenced to undergo six months simple imprisonment and to pay the cheque amount of Rs.3,00,000/- as compensation. Aggrieved by the same, the petitioner preferred an appeal in Crl.A.No.22 of 2018, which was dismissed by the Sessions Court on



27.06.2019. Against which, the petitioner preferred a revision in
CrI.R.C.No.1274 of 2019.

2. When the revision case was taken up for final hearing on 03.07.2023, the petitioner failed and thereafter, the case was posted on 10.07.2023 under the caption for dismissal and on 10.07.2023, the petitioner was unable to appear and advance arguments. Hence, the case was dismissed for default.

3. The learned counsel appearing for the petitioner submitted that he has valuable points to advance to support of the revision and dismissing the revision for non prosecution would amount to a denial of justice.

4. The learned counsel appearing for the respondent opposed this, stating that the petitioner, after filing the revision, had not taken any steps to pursue the revision and the respondent was denied of justice in 2017.

5. The learned counsel for the petitioner submitted that he wants the revision restored and undertakes to argue the case without fail on the very next hearing.



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6. In view of the above, this Court condones the delay of 482 days in filing the restoration petition to restore the Criminal Revision Case and the petition is ordered accordingly.

20.02.2025

Speaking order/Non-speaking order

Index: Yes/No

Internet: Yes/No

Neutral Citation: Yes/No

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M.NIRMAL KUMAR, J.

rpl

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