



Crl.R.C.No.415 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.08.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

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K.K.Agency

Represented By Its Proprietor,

K.Kishorekumar

represented by its Authorized Signatory,
and Power Agent K.N.Kuppan

... Petitioner

Vs

P.Ravi

... Respondent

PRAYER: Criminal Revision Case is filed under Section 438 read with 442 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for records relating to the order made in Crl.M.P.No.22949 of 2024 in Crl.A.No.365 of 2023 dated 10.01.2025 on the file of I Additional District and Sessions Judge at Chennai set aside the same and restore the Crl.M.P.No.22949 of 2024 into file for disposal on merits.

For Petitioner : Mr.K.Premkumar

For Respondent : Mr.K.Shanmugam

ORDER

This Criminal Revision has been filed to set aside the order made in Crl.M.P.No.22949 of 2024 in Crl.A.No.365 of 2023 dated 10.01.2025 on the file of I Additional District and Sessions Judge at Chennai, thereby dismissing



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the petition filed under Section 391 of Cr.P.C for default.

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2. Heard the learned counsel on either side and perused the materials available on record.

3. A perusal of records revealed that the petitioner filed a complaint under Section 138 of Negotiable Instruments Act as against the respondent and the respondent was convicted. Aggrieved by the same, the respondent preferred an appeal. Pending appeal, the petitioner, in order to adduce additional evidence, filed a petition under Section 391 of Cr.P.C. However, he was absent before the appellate Court on 10.01.2025 and as such, the petition was dismissed for default.

4. In order to give one more opportunity to the petitioner to pursue his petition filed under Section 391 of Cr.P.C, this Court is inclined to set aside the impugned order. Accordingly, the order made in Crl.M.P.No.22949 of 2024 in Crl.A.No.365 of 2023 dated 10.01.2025 on the file of I Additional District and Sessions Judge at Chennai, is hereby set aside. The matter is remanded back to the appellate Court for fresh disposal of the application filed by the petitioner under Section 391 of Cr.P.C, in accordance with law.



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5. Accordingly, this Criminal Revision Case is allowed.

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Internet: Yes

Index: Yes/No

Speaking/Non speaking order
mn



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G.K.ILANTHIRAIYAN. J,

mn

To

The I Additional District and Sessions Judge,
at Chennai,

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