



Crl.R.C.No.413 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2025

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

Crl.R.C.No.413 of 2025

and

Crl.M.P.Nos.4622 & 4624 of 2025

N.Rajesh Kumar

... Petitioner

Vs

R.Ranjith Kumar

... Respondent

PRAYER: Criminal Revision Petition filed under Section 438 read with 442 of BNSS 2023, to set aside the order dated 27.01.2025 made in C.M.P.No.2990 of 2024 in S.T.C.No.115 of 2024 on the file of the Judicial Magistrate Court (F.T.C), Magisterial Level, Coonoor.

For Petitioner : Mr.C.Prabakaran

ORDER

This Criminal Revision Petition has been filed to set aside the order dated 27.01.2025 passed in C.M.P.No.2990 of 2024 in S.T.C.No.115 of 2024 on the file of the Judicial Magistrate Court (F.T.C), Magisterial Level, Coonoor.

2. Heard the learned counsel appearing for the petitioner and



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perused the materials available on record.

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3. The respondent/complainant filed a complaint as against the petitioner/accused, for the offence under Section 138 of the Negotiable Instruments Act, in S.T.C.No.115 of 2024 on the file of the Judicial Magistrate Court (F.T.C) Magisterial Level, Coonoor. The petitioner/accused has filed the petition in C.M.P.No.2990 of 2024, under Section 145(2) of the Negotiable Instruments Act, to discard his evidence deposited by him on 09.12.2024 and permit him to file affidavit for chief examination. The learned Magistrate dismissed the same vide impugned order dated 27.01.2025. Challenging the same, the petitioner has filed this criminal revision petition.

4.The learned Magistrate has dismissed the petitioner's/accused petition only on the ground of technicality. In order to give opportunity to the petitioner/accused to defend his case, the impugned order passed by the learned Magistrate is set aside. The matter is remitted back to the learned Magistrate. The petitioner is directed to file proper application



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and approach the Magistrate for taking his defence. On filing such application, the learned Magistrate is directed to give opportunity to both the complainant and the accused and hear the matter on merits and dispose of the same in accordance with law.

5. With the abovesaid direction, this Criminal Revision Petition is disposed of. Consequently, connected miscellaneous petitions are closed.

12.03.2025

mfa

Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No

To

1. The Judicial Magistrate Court (F.T.C), Magisterial Level, Coonoor.

P.VELMURUGAN, J.



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