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Crl.R.C.No.485 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.07.2025

CORAM

THE HONOURABLE MR JUSTICE G.K. ILANTHIRAIYAN

CRL RC No. 485 of 2025

Paul Rathinakumar Earnest

..... Petitioner

Vs

P.Shankar

..... Respondent

PRAYER: Criminal Revision Case is filed under Sections 438 & 442 of Bharatiya Nagarik Suraksha Sanhita, 2023 to set aside the order of XVI Additional Sessions Judge, Chennai in Crl.A.No.33/2024 dated 21.02.2025 confirming the order passed by IIIrd Fast Track Court, Metropolitan Magistrate in CC.No.1650/2019 dated 12.12.2023.

For Petitioner : Ms.S.Manasa

For Respondent : No Appearance

ORDER

This Criminal Revision Case has been preferred as against the judgment passed in Crl.A.No.33/2024 dated 21.02.2025 on the file of the XVI



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Additional Sessions Judge, Chennai thereby confirming the conviction imposed

by the XVI Additional Sessions Judge, Chennai in CC.No.1650/2019 dated 12.12.2023 for the offences punishable under Section 138 of Negotiable Instruments Act thereby dismissed the petition for default.

2. Heard the learned counsel for the petitioner.

3. Though notice was served and the name of the respondent was printed in the cause list, no one appeared on behalf of the respondent.

4. The petitioner was found guilty under Section 138 of Negotiable Instruments Act and has been convicted and sentenced to undergo six months of Simple Imprisonment vide order dated 12.12.2023 in CC.No.1650/2019. Aggrieved by the same, the petitioner filed an appeal before the Appellate Court in Crl.A.No.33/2024. However, the petitioner failed to appear before the Appellate Court on 21.02.2025. Therefore, the Appellate Court dismissed the appeal for default. Aggrieved by the same, the present revision case has been filed.



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5. In view of the above, this Court finds infirmity in the order passed by the Appellate court. The appeal as against the order of conviction cannot be dismissed for default. Hence, the order passed by the Appellate Court cannot be sustained.

6. Accordingly, the Judgment dated 21.02.2015 passed in Crl.A.No.33/2024 dated 21.02.2025 by the XVI Additional Sessions Judge, Chennai thereby confirming the conviction imposed by the XVI Additional Sessions Judge, Chennai in CC.No.1650/2019 dated 12.12.2023 is hereby set aside. The XVI Additional Sessions Judge, Chennai is directed to issue notice to the Appellant as well as the respondent and dispose of the case in C.A.No.33 of 2024 on merits and in accordance with law.

7. In the result, this Criminal Revision Case stands allowed.

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Index : Yes/No
Neutral citation : Yes/No

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G.K.ILANTHIRAIYAN, J.

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To

1. The XVI Additional Sessions Judge,
Chennai.
2. The IIIrd Fast Track Court,
Metropolitan Magistrate,
Saidapet, Chennai.

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