



CrI.R.C.No. 923 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.06.2025

CORAM:

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

CrI.R.C.No.923 of 2025

K.Sivalingam

... Petitioner

Vs

P.Ezhumalai

... Respondent

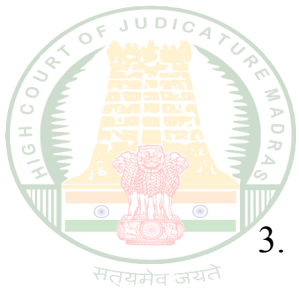
PRAYER: Criminal Revision Case is filed under Sections 438 & 442 of BNSS Act to set aside the order dated 04.11.2024 in C.M.P.No.2300 of 2024 in Unnumbered STC of 2024 on the file of Judicial Magistrate Court No.II, Pollachi and direct the learned Judicial Magistrate No.II, Pollachi to number the case and proceed the trial of the petitioner's complaint.

For Petitioner : Mr. K.Prabhakaran

ORDER

This Criminal Revision has been preferred as against the order passed in CrI.M.P.No.2300 of 2024 dated 04.11.2024 thereby the court below dismissed the petition to condone the delay in re-presentation.

2. Heard the learned counsel appearing for the petitioner and perused the documents placed on record.



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3. On a perusal of the records, it reveals that the petitioner is the complainant and the respondent is the accused in the complaint lodged by the petitioner for offence punishable under Section 138 of Negotiable Instruments Act. The said complaint was returned for want of correction. Thereafter, it was represented along with a petition, viz., C.M.P.No.2300 of 2024 to condone the delay in representing the complaint. When the said petition came up for hearing before the trial court on 04.11.2024, the petitioner was not present and as such, the said petition was dismissed for default.

4. Considering the above said facts, in order to give one more opportunity to the petitioner, this Court is inclined to allow the present Revision. Accordingly, the present Revision is allowed and the order passed in C.M.P.No.2300 of 2024 dated 04.11.2024 is set aside. The trial court is directed to take the complaint on file, if it is otherwise in order and proceed with the complaint in accordance with law.

30.06.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
ssd



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1.The Judicial Magistrate No.II
Pollachi

2. The Public Prosecutor,
Madras High Court,
Chennai.



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G.K.ILANTHIRAIYAN, J.

ssd

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