



Crl.R.C No.847 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated : 20.02.2025

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.847 of 2021

M/s.Prithvi Enterprises

Rep By Its Proprietor N.Chandrasekaran,
No.303, Silambu, Thanthai Periyar Nagar,
Pollachi Main Road, Sidco Post,
Coimbatore 641021.

...

Petitioner

Versus

1.M/s.Bee Yess Kay Fabs

Rep By Its Partner / Authorized Signatory,
M.Chinnadurai, Mallappanur X Road, Nangavalli
Main Road, Karuppuredyur Post, Mettur Dam, Salem
636404.

2.M.Chinnadurai

...

Respondents

PRAYER: Criminal Revision is filed under Section 397 r/w 401 of the Code of Criminal Procedure, to set aside the order made in C.M.P.No.519 of 2020 dated 19.03.2021 in unnumbered C.C.No.... of 2020 on the file of the District Munsif cum Judicial Magistrate, at Madukkarai.

For Petitioner

:

Mr.C.Gunasekaran

ORDER

The petitioner/complainant has filed a private complaint against the respondent for an offence under Section 138 of Negotiable Instruments Act



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which was delayed by 97 days. Thereafter, the petitioner has filed a petition under Section 142(B) of N.I.Act in C.M.P.No.519 of 2020 seeking to condonation of the delay.

2. In the meanwhile, due to the Covid 19 pandemic, the summons to the respondent was issued on 07.05.2020. The petitioner was directed to pay costs of Rs.2,000/- to the District Legal Services Authority, Coimbatore on or before 19.03.2021. On 19.03.2021, the petitioner failed to appear and the conditional order passed on 05.03.2021 was not complied. Consequently, C.M.P.No.519 of 2020 was dismissed on 19.03.2021. Against which, the present revision case has been filed.

3. This Court directed the petitioner to take a private notice on 05.07.2022. Thereafter, a private notice has been taken to the respondent, but it was returned unserved. Subsequently, this Court through the lower court, directed that the notice to be served and a report was submitted that the respondent company and its partner, Chinnadurai, were not available and the company was found locked. Despite through Court and private notice, service could not be effected.



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4. The respondent's name was not printed in the cause list and

there is no representation for the respondent. In view of the above, this Court finds that the respondent is not inclined to pursue the matter and has shown no interest in defending the case. Earlier, the trial Court passed a conditional order to pay the costs.

5. In view of the same, the order passed on 19.03.2021 is set aside. The petitioner is directed to pay the costs of Rs.2,000/- to the District Legal Services Authority, Coimbatore within a period of two weeks from the date of receipt of a copy of this order and on production of the receipt, the complaint shall be taken on file and dealt with on its own merits as per law and procedure.

6. In the result, this Criminal Revision Case is allowed.

20.02.2025

Speaking order/Non-speaking order

Index: Yes/No

Internet: Yes/No

Neutral Citation: Yes/No

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To

The District Munsif cum Judicial Magistrate, Madukkarai.

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This matter is posted today under the caption "for Being Mentioned" at the instance of the learned counsel for the petitioner.

2. The learned counsel for the petitioner submitted that in page nos.1 to 4 of the order dated 20.02.2025 passed in Crl.R.C No.847 of 2022, the year of the case has been wrongly mentioned as "2021" instead of "2022". Hence, he prays to rectify the defects.

3. Considering the submissions made by the learned counsel for the petitioner, in page nos. 1 to 4 of the order dated 20.02.2025 passed in Crl.R.C No.847 of 2022, the year of the case shall be read as "2022."

4. In other aspects, the earlier order passed by this Court dated 20.02.2025, shall stand unaltered.

5. Time for payment of cost is extended for a period of two weeks from the date of receipt of a copy of this order.

17.06.2025

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Note: Registry is directed to issue a fresh order copy after making necessary corrections.



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