



Crl.RC.Nos.998 & 999 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 11.03.2025

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.RC.Nos.998 & 999 of 2022

Crl.R.C.No.998 of 2022

V.R & Company,
Rep by its Proprietrix,
R.Madheswari,
Indian Oil Corporation Petrol Bunk,
Bye pass road, Mudalaipatty Post,
Namakkal District. ... Petitioner/Complainant

Vs.

Nagaraju,
S/o.Pappa Naicker,
Door No.3/167, Valavanthi Village,
Thalaimaipatty Post,
Namakkal District. ... Respondent/Accused

Prayer: Criminal Revision Petition is filed under Section 397 r/w 401 of Cr.P.C., to call for the records in connection with the complaint filed by the petitioner under Section 138 of N.I Act in C.C.No.188/2021 on the file of the Judicial Magistrate No.I, Namakkal and to set aside the order dated 03.03.2022 passed by the Learned Judicial Magistrate No.I, Namakkal and to restore the C.C.No.188 of 2021 on the file.

For Petitioner : Mr.S.Thirumurugan



CrI.RC.Nos.998 & 999 of 2022

for Mr.S.Senthil

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For Respondent : Notice dispense with.

CrI.R.C.No.999 of 2022

V.R & Company,
Rep by its Proprietrix,
R.Madheswari,
Indian Oil Corporation Petrol Bunk,
Bye pass road, Mudalaipatty Post,
Namakkal District.

... Petitioner/Complainant

/versus/

M.Dharman,
S/o.Muniyappan,
Door No.3/167, Valavanthi Village,
Thalaimaipatty Post, Namakkal District.

... Respondent/Accused

Prayer: Criminal Revision Petition is filed under Section 397 r/w 401 of Cr.P.C., to call for the records in connection with the complaint filed by the petitioner under Section 138 of N.I Act in C.C.No.185/2021 on the file of the Judicial Magistrate No.I, Namakkal and to set aside the order dated 03.03.2022 passed by the Learned Judicial Magistrate No.I, Namakkal and to restore the C.C.No.185 of 2021 on the file.

For Petitioner : Mr.S.Thirumurugan
for Mr.S.Senthil

For Respondent : Notice dispense with.



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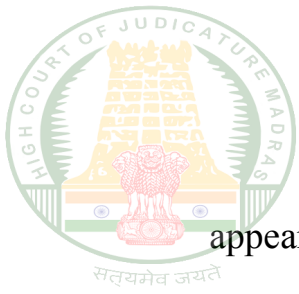
COMMON ORDER

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The petitioner, who is the complainant, has filed a private complaint under Section 138 of the Negotiable Instruments Act (N.I. Act) against the respondents in C.C. Nos.185 of 2021 and 188 of 2021.

2. It is seen that the complainant's sworn statement was recorded and thereafter C.C.Nos.185 of 2021 and 188 of 2021 were assigned. The case was at the stage of issuance of process. However, summons for the accused could not be served within the prescribed time because the trial Court Advocate failed to properly note the date and subsequently, it was not followed up. The trial Court had sent a notice in D.Nos.1920 of 2021 and 1926 of 2021, dated 11.11.2021, but thereafter, no further steps were taken. Consequently, the trial Court dismissed the complaint on the technical ground for non-payment of process fees, finding that the petitioner/complainant was not prosecuting the case as required.

3. The petitioner contends that the respondents have not



appeared so far and the case has been kept pending for service. The case was dismissed on technical grounds and the petitioner's valuable right has been prejudiced. He further submits that the respondents have not yet appeared before the trial court.

4. Considering the submissions and perusal of the material, it is clear that the petitioner had filed a private complaint under Section 138 of the N.I. Act against the respondents, which was taken on file in C.C. Nos.185 of 2021 and 188 of 2021. Due to the non-payment of process fees, summons could not be served on the accused and the case has been kept pending with periodical adjournments.

5. The trial Court thereafter issued a final notice to the complainant and finding no proper response, dismissed the complaint at the initial stage on technical grounds, not on merits.

6. In view of the above, this Court dispense with notice to the



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respondents, as no prejudice would be caused to the respondent, who has yet to appear in the case.

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7. Therefore, the impugned order is set aside. The trial Court is directed to take the complaint on file. The petitioner is directed to file a process application immediately, without delay, in order to prosecute and proceed with the case.

8. Accordingly, these Criminal Revision Cases are allowed.

11.03.2025

Speaking order/Non-speaking order

Index : Yes/No

Neutral Citation : Yes/No

bsm

To

1. The Judicial Magistrate No.I, Namakkal.

M.NIRMAL KUMAR, J.

bsm



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