



Crl.R.C.No.2270 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 19.08.2025

CORAM:

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

Crl.R.C.No.2270 of 2023

P.Selvaraj

... Petitioner

Vs.

M.Mani

... Respondent

PRAYER: Criminal Revision has been filed under Section 397 & 401 of Cr.P.C., praying to set aside the orders passed in Crl.A.No.769 of 2023 dated 13.12.2023 by the learned Principal Sessions Judge, City Civil Court, Chennai, confirming the judgment of conviction dated 10.11.2023 passed by the learned Fast Track Court-I, Metropolitan Magistrate, Egmore, Allikulam, Chennai in S.T.C.No.5599 of 2022 and allow the criminal revision petition.

For Petitioner : Mr. M.Murali

For Respondent : Mr. C.Senthil Nathan

ORDER

The Criminal Revision Case has been preferred as against the order dated 13.12.2023 passed by the learned Principal Sessions Judge, City Civil Court, Chennai, in Crl.A.No.769 of 2023, thereby dismissed the appeal for default.



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2. The petitioner is an accused in the complaint lodged by the respondent for the offence punishable under Section 138 of the Negotiable Instruments Act (hereinafter referred to as “the NI Act”). After full fledged trial, the trial Court found the petitioner guilty for the offence punishable under Section 138 of the NI Act and sentenced him to undergo one year simple imprisonment and also awarded compensation to the tune of cheque amount in default, to undergo further period of three months simple imprisonment. Aggrieved by the same, the petitioner preferred an appeal. Before the appellate Court, the petitioner obtained the order of suspension of sentence and thereafter failed to appear before the appellate Court. The petitioner also failed to file any process application to proceed with the appeal further. Hence, the appellate Court dismissed the appeal for default by an order dated 13.12.2023. Aggrieved by the same, the petitioner filed the present revision.

3. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

4. The appeal against conviction cannot be dismissed as default. Further, in order to give one more opportunity to the petitioner to pursue his



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appeal, this Court is set aside the impugned order. Accordingly, the order dated 13.12.2023 passed by the learned Principal Sessions Judge, City Civil Court, Chennai, in Crl.A.No.769 of 2023, is hereby set aside. The appellate Court is directed to proceed with the appeal a fresh and after giving opportunity to both the petitioner as well as the respondent, pass orders on merits and in accordance with law.

5. Accordingly, the Criminal Revision Case stands allowed.

19.08.2025

Internet:Yes

Index:Yes/No

Speaking/Non speaking order

rts

To

1.The Principal Sessions Judge,
City Civil Court, Chennai.

2. The Fast Track Court-I,
Metropolitan Magistrate,
Egmore, Allikulam,
Chennai,



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G.K.ILANTHIRAIYAN. J,

rts

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