



Crl.R.C.(MD)No.459 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.06.2025

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.R.C.(MD)No.459 of 2025

and

Crl.M.P(MD)No.4799 of 2025

C.Kanagaraj

... Petitioner/Petitioner/
Complainant

Vs.

M.Sasikumaran Nair

... Respondent/Respondent/
Accused

PRAYER : Criminal Revision Case filed under Section 438 r/w 442 B.N.S.S., to call for the records in connection with the impugned order, dated 13.12.2024 in Crl.M.P.No.5 of 2024 in S.T.C.No.321 of 2023 on the file of the Judicial Magistrate No.I, Kuzhithurai, set aside the same.

For Petitioner : Mr.K.Ragatheesh Kumar
for M/s.Isaac Chambers

ORDER

Challenging the order passed by the Judicial Magistrate No.I, Kuzhithurai in Crl.M.P.No.5 of 2024 in S.T.C.No.321 of 2023, dated 13.12.2024, rejecting the petitioner's application for reopening the



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complainant side witness for the purpose of examining two Bank Managers as L.W.2 and L.W.3 came to be rejected for the reason that already the Bank Manager was present on 04.01.2024 and 08.11.2024. However, the complainant failed to take evidence.

2. When the matter came up for hearing, the learned counsel for the petitioner submitted that on 04.01.2024, though the Manager was present and the complainant was also present, citing the absence of the accused, the case was adjourned by issuing warrant and then on 08.11.2024, it was a boycott date and hence, there was no fault on the part of the complainant. Hence, the complainant had made an application for reopening the evidence on his side. Without appreciating the bona fides of the complainant, the impugned order came to be passed. Hence, he pressed for allowing the criminal revision case.

3. Despite notice being issued and the name has been printed in the cause-list, there is no representation on the side of the respondent.



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4. Heard the learned counsel for the petitioner and carefully perused the materials available on record.

5. A careful reading of the impugned order and the E-Diary dated, 04.01.2024 and 08.11.2024 pertaining to S.T.C.No.321 of 2023 on the file of the Judicial Magistrate No.I, Kuzhithurai make it clear that the non-examination of the Manager on 04.01.2024 and 08.11.2024 was not due to the inadvertence or lethargy on the side of the complainant. Being satisfied with the reasons submitted by the learned counsel for the petitioner herein, the order impugned in the revision case, dated 13.12.2024 is set aside.

6. Accordingly, this Criminal Revision Case is allowed. Consequently, connected Miscellaneous Petition is closed.

12.06.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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L.VICTORIA GOWRI ,J.

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To

- 1.The Judicial Magistrate No.I,
Kuzhithurai.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Order made in
CrI.R.C.(MD)No.459 of 2025

Dated: 12.06.2025