



CRL RC(MD)No.643 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.07.2025

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CRL RC(MD)No.643 of 2025

B.Sivabaskar

... Petitioner / Complainant

Vs.

R.Suresh

... Respondent /
Respondent

PRAYER: Criminal Revision Petition is filed under Section 438 r/w 442 of BNSS, to call for the records pertaining to the order dated 04.09.2024 in S.T.C.No.54 of 2024 passed by the learned Judicial Magistrate No.II, Usilampatti and set aside the same.

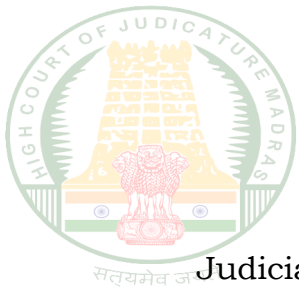
For Petitioner : Mr.A.Jayaramachandran

For Respondent : Mr.R.Jeswanth Ram,
For C.Sundaravadivel

ORDER

Challenging the order passed by the learned Judicial Magistrate No.II, Usilampatti, in S.T.C.No.54 of 2024 dated 04.09.2024, this Criminal Revision Case is filed.

2. The revision petitioner herein is the complainant. The learned

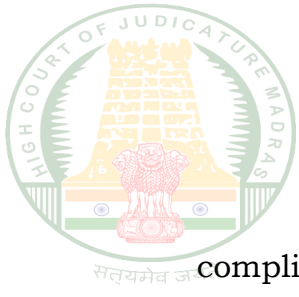


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Judicial Magistrate No.II, Usilampatti, recorded the continuous absence of the complainant on several hearings on 29.02.2024, 26.04.2024, 23.05.2024, 21.06.2024, 30.07.2024, and 04.09.2024. Further, on 04.09.2024, when the matter was called for hearing, the matter was not even represented by the complainant through his counsel.

3. Considering the fact that the complaint itself is pending for more than nine months, the complaint was dismissed for default for non prosecution. However, the learned counsel for the petitioner categorically contended that the complainant should not be punished for the inadvertence of his counsel before the learned Trial Court.

4. However, considering the fact that the complainant should be given an opportunity of hearing to proceed with this case, the impugned order is set aside on payment of cost of Rs.7500/- (Rupees Seven Thousand and Five Hundred only) to the respondent within a period of one (1) week from the date of receipt of the copy of this order. The learned Judicial Magistrate No.II, Usilampatti, is directed to reopen the case and dispose of the same as expeditiously as possible within a period of six months from the date of receipt of copy of this order on



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compliance by the petitioner with respect to cost.

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5. With the above directions, this Criminal Revision case is allowed.

09.07.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
Sml

To

1.The Judicial Magistrate No.II,
Usilampatti.



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L.VICTORIA GOWRI, J.,

Sml

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