

Crl.R.C.(MD)No.419 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.04.2025

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.419 of 2025

and

Crl.MP(MD)No.4229 of 2025

S.Jotheeswari

... Petitioner

Vs.

K.S.Thiruselvam

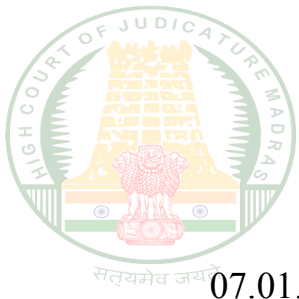
... Respondent

PRAYER : Criminal Revision Petition filed under Section 438 r/w 442 BNSS, to call for the entire records pertaining to the order passed by the Fast Track Mahila Court, Sivagangai in Crl.M.P.No.1757 of 2024 in C.A.No.52 of 2023 vide order, dated 07.01.2025 and set aside the same and consequently, direct the learned appellate Judge to permit the petitioner to adduce additional evidence.

For Petitioner : Mr.R.Anand

ORDER

The Criminal Revision is directed against the order passed Crl.M.P.No.1757 of 2024 in C.A.No.52 of 2023 vide order, dated



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07.01.2025 on the file of the Fast Track Mahila Court, Sivagangai, dismissing the petition filed under Section 432 of BNSS.

2. The respondent has filed a private complaint under Section 200 Cr.P.C., against the petitioner for the offence under Section 138 of Negotiable Instruments Act and the trial Court has passed the judgment, dated 09.05.2023, finding the petitioner guilty for the offence under Section 138 of NI Act and convicted and sentenced her to undergo six months simple imprisonment and to pay a compensation of Rs.60,00,000/- to the complainant under Section 357(1) of Cr.P.C. Challenging the judgment of conviction, the accused has preferred an appeal in Crl.A.No.52 of 2023 and was pending on the file of the Fast Track Mahila Court, Sivagangai. Pending appeal, the petitioner has filed the above petition seeking orders to adduce additional evidence for production of copies of Aadhar card of the petitioner and her children.

3. It is seen that the Aadhar card shows that the petitioner was residing at Chennai and not at the address mentioned by the respondent in the statutory notice as well as in the complaint.



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4. The learned counsel for the petitioner would submit that the petitioner is residing at Chennai and even the respondent in the complaint has admitted that he had approached the petitioner at Chennai and obtained cheques.

5.It is evident from the records that the statutory notice was sent to the petitioner to the Ramnathapuram address and the same came to be returned, despite service of intimations, as unclaimed. It is pertinent to note that after filing of the complaint, the petitioner has entered into appearance, after service of complaint summons. The learned Appellate Judge, by considering the admission made by the petitioner in the evidence that she was owning property at Ramanathapuram, for which, the statutory notice came to be sent.

6.As rightly observed by the learned trial Judge, it is not the case of the petitioner that notice was returned as she had left the address or that she is not having property in the said address.



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7. Considering the above, the observation of the learned appellate Judge that the above petition is filed only to drag on the matter cannot be found fault with. Consequently, this Court concludes that the Criminal Revision is devoid of merits and the same is liable to be dismissed.

8. In the result, the Criminal Revision Case is dismissed. The learned Sessions Judge, Fast Track Mahila Court, Sivagangai, is directed to proceed with the appeal uninfluenced by any of the observation made by him/her in the impugned order as well as, this Court. Consequently, connected Miscellaneous Petition is closed.

01.04.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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Crl.R.C.(MD)No.419 of 2025

K.MURALI SHANKAR,J.

das

To

1.The Fast Track Mahila Court, Sivagangai

Order made in
Crl.R.C.(MD)No.419 of 2025
and
Crl.MP(MD)No.4229 of 2025

Dated: 01.04.2025