



Crl.R.C.(MD)No.627 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.06.2025

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.R.C.(MD)No.627 of 2024

S.Krishnakumar

... Petitioner/Complainant

Vs.

Dhanasekaran

... Respondent/Respondent

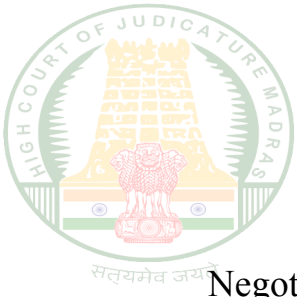
Prayer : Criminal Revision Case is filed under Section 397 r/w 401 of Cr.P.C to call for the records from the learned Special Court for Exclusive Trial of Negotiable Instrument Act, Tirunelveli in S.T.C.No. 878 of 2020 and to set aside and the same is illegal.

For Petitioner : Mr.M.Perumal

For Respondent : Mr.C.Susi Kumar
for M/s.Subash Law Office

ORDER

Challenging the order under Section 204(4) of Code of Criminal Procedure passed by the learned Special Court for Exclusive Trial of



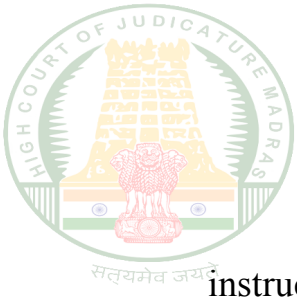
Crl.R.C.(MD)/No.627 of 2024

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Negotiable Instrument Act, Tirunelveli in S.T.C.No.878 of 2020, dated 07.05.2024, this criminal revision case is filed.

2. The petitioner is the complainant in S.T.C.No.878 of 2020 and the respondent is the accused. The said complaint is one filed under Section 138 of Negotiable Instrument Act, 1882. The said case has been pending from the year 2019. The learned Trial Court has passed a conditional order for payment of process fee for Bailable Warrant finally on 01.04.2024. Even after passing over the case for payment of process, which was taken up at 5:20 p.m., the complainant/petitioner herein failed to pay the process fee batta. Recording that the complainant is not interested to proceed the case against the accused, the case was dismissed for non-payment of process under Section 204(4) of Cr.P.C.

3. The learned counsel for the petitioner submitted that the default in payment of process under Section 204(4) of Cr.P.C had happened only because of the inadvertence of the Lawyer and the litigant should not be punished and hence, sought interference of this Court to set aside the impugned order, expressing that he will take necessary steps by



Crl.R.C.(MD)No.627 of 2024

WEB COPY

instructing an appropriate Counsel to promptly pay the process fee and pressed for allowing the revision case.

4. Per contra, the learned counsel for the respondent submitted that the said case is pending as earlier from 2019 and the respondent is implicated in the said case falsely and he has been made to run between pillar and post by getting implicated in the said case case and hence, the delaying tactics of the petitioner herein should not be condoned and pressed for dismissal of the criminal revision case.

5. Considering the assurance made by the learned counsel for the petitioner, the impugned order, dated 07.05.2024 in S.T.C.No.878 of 2020 is set aside, directing the petitioner to pay the process fee under Section 204(4) of Cr.P.C within a period of two (2) weeks from the date of receipt of copy of this order. Failing which, the order passed in S.T.C.No.878 of 2020, dated 07.05.2024 would be restored automatically.



Crl.R.C.(MD)No.627 of 2024

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6. Accordingly, this Criminal Revision is disposed of.

23.06.2025

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

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To

The Special Court for Exclusive
Trial of Negotiable Instrument Act,
Tirunelveli.



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Crl.R.C.(MD)No.627 of 2024

L.VICTORIA GOWRI ,J.

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Order made in
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