



WEB COPY

CRL RC No. 113 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-02-2026

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL RC No. 113 of 2026

V.Revathi
W/o Moorthy,
No.8, Irugalur Post,
Vemandampalayam, Erode.

..Petitioner(s)

Vs

P.K.Swamynathan
S/o Kumaraswamy Nadar,
5A, Pannimadai Palayam,
Kosanam Post,
Nmabiyur Taluk, Erode.

..Respondent(s)

PRAYER – This Criminal Revision is filed under Section 397 read with 401 of Cr.P.C./under Section 438 read with 422 of BNSS Act, to set aside the order passed in STC.No.1378 of 2023 dated 20.11.2025 on the file of Judicial Magistrate No.II, Gobichettipalayam and restore STC.No.1378 of 2023 on the file of Judicial Magistrate No.II, Gobichettyplayam for fresh disposal.

For Petitioner(s): Mr.T.Muruganantham

For Respondent(s): Mr.D.Veerasekharan

ORDER

This Criminal Revision challenges the order passed by the learned Judicial Magistrate-II, Gobichettipalayam, dismissing the petitioner's complaint



under Section 138 of N.I. Act for non-payment of process fee for execution of the non-bailable warrant as against the respondent. The petitioner is the complainant and a non-bailable warrant was issued as against the respondent since he did not appear on summons. The petitioner was granted one week time on 03.07.2025 to pay the process fee. Since he had failed to pay the process fee, the complaint was dismissed vide the impugned order.

2.The learned counsel for the petitioner would submit that the petitioner had not complied with the conditional order and prays that he may be given an opportunity to establish his case on merits, as his non-payment is neither wilful nor wanton.

3.Heard the learned counsel for the petitioner as well as the respondent and perused the entire materials available on record.

4.It is seen that the complaint has been dismissed only for the reason that the petitioner had not paid the process fee within one week from 03.07.2025. This Court is of the view that the learned Judicial Magistrate ought to have given one more opportunity to the petitioner as an endeavour should normally be made to adjudicate the dispute between the parties on merits, unless the conduct of any party is in gross violation of the procedure which cannot be countenanced in any manner. Considering the fact of this case, this Court is



inclined to set aside the impugned order dated 20.11.2025 passed in STC.No.1378 of 2023 by the learned Judicial Magistrate No.II, Gobichettipalayam and restore S.T.C.No.1378 of 2023 to file. The petitioner shall pay the process fees if necessary as it is seen that the respondent has entered appearance through a counsel before this Court. The parties are directed to appear in person before the Trial Court (Judicial Magistrate No.II, Gobichettipalayam) on 09th March, 2026 and the learned Judicial Magistrate may thereafter proceed with the case in accordance with law.

5.In the result, this Criminal Revision is allowed.

19-02-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

GSA

To

The Judicial Magistrate No.II,
Gobichettipalayam.



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SUNDER MOHAN, J.

GSA

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