



CRL RC(MD). No.1095 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 26.02. 2026

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THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ

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M.R.Sridhar,

... Petitioner

Vs.

R. Girija,

... Respondent

PRAYER :- Criminal Revision Case is filed under Section 438 r/w.442 of BNSS, 2023 to call for the records and set aside the order dated 05.07.2022 in STC No.171 of 2021 on the file of the Judicial Magistrate No.I, Kumbakonam and allow the present Revision Petition.

For Petitioner : Mr.S.Sankar.

For Respondent : Mr.T.Balakrishnan,

ORDER

Heard Mr.S.Sankar, learned Counsel for Revision Petitioner and Mr.T.Balakrishnan, learned counsel for Respondent.

2. The present criminal revision petition has been filed challenging the order dated 05.07.2022 in S.T.C.No.171 of 2021 on the file of the Judicial Magistrate No.I, Kumbakonam.



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3. The short question that arose for consideration is whether the order of the Judicial Magistrate dismissing the complaint filed under Section 138 of Negotiable Instruments Act only on the allegation that the complainant after been present, is not ready to adduce evidence, is justified.

4. It is the case of Petitioner that proof affidavit came to be filed prior and normally, the Judicial Magistrate while the complaint under Section 138 of Negotiable Instruments Act ought not to dismiss the same for non-prosecution rather an order on merits ought to have been passed.

5. To the contrary, the learned counsel for respondent would submit that as can be seen from a mere glance at the impugned order, sufficient opportunity was granted to the Petitioner to adduce evidence, however, Petitioner failed to avail the same, thus, the Judicial Magistrate was compelled to dismiss the Complaint.



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6. After arguing for some time, when this Court pointed out that the matters could be remanded to enable both sides to let in evidence and to have the matter decided on merits, the said course was not objected to by either side.

7. In that view of the matter, this Court is inclined to set aside the impugned order and accordingly, the impugned order passed by Judicial Magistrate No.I, Kumbakonam, dated 05.07.2022 in S.T.C.No.171 of 2021 is set aside and the matter is remanded back for fresh consideration and passing orders in accordance with law as expeditiously as possible.

8. In the result, this Criminal Revision Case is **disposed of** on the above terms.

26.02.2026

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TO

1. The Judicial Magistrate No.I,
Kumbakonam
2. The Section Officer,
ER Section,
Madurai Bench of Madras High Court,
Madurai.



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MOHAMMED SHAFFIQ,J

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