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C.Ashok Kumar Vs S.Ravi

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Court : Chennai Orders

Decided On : Jul-28-2025

Judge : Honourable Mr Justice G.K. Ilanthiraiyan

Appeal No. : CRL RC/1222/2025

Appellant : C.Ashok Kumar

Respondent : S.Ravi

Judgement :

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.07.2025

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN C.Ashok Kumar ..... Petitioner Vs S.Ravi ..... Respondent PRAYER: Criminal Revision Case filed under Section 438 r/w 442 of BNSS, 2023, praying to set aside the order passed by the learned Principal Sessions Judge at Puducherry in Criminal Miscellaneous Petition No.2931 of 2023 in Crl.A.No.31 of 2023 dated 19.02.2025. For Petitioner : M/s.R.Renuka Devi

ORDER

This Criminal Revision Case has been preferred against the order

passed by the learned Principal Sessions Judge at Puducherry in Criminal Miscellaneous Petition No.2931 of 2023 in Crl.A.No.31 of 2023 dated 19.02.2025, thereby dismissing the petition filed under Section 391 of Cr.P.C.

2. The petitioner is the accused in the complaint lodged by the

respondent for the offence punishable under Section 138 of NI Act. After full-fledged trial, the trial court convicted the petitioner for the offence punishble under Section 138 of NI Act and sentenced him to undergo imprisonment. Aggrieved by the same, the petitioner preferred appeal and pending appeal, the petitioner filed application under Section 391 of Cr.P.C. to examine additional evidence. However, the said petition was dismissed, against which this criminal revision case has been filed.

3. Heard, the learned counsel for the petitioner and perused all the materials placed before this Court.

4. On perusal of records, it is revealed that the petitioner intended to

examine one, Sarathi as his defence evidence. All along before the trial court, he kept quiet and he did not take any step to examine any person. The only ground raised by the petitioner is that, the said Sarathy was examined in another case and he seemed to have deposed in support of the petitioner. However, the petitioner did not state any other reason as to why the person should be examined in the appeal. Though the petitioner was given enough opportunity

by the trial court to examine him as defence witness, he did not take any step. Therefore, in order to fill up the lacuna in the appellate court, the petitioner filed petition under Section 391 of Cr.P.C. to examine the said

person as defence witness. On perusal of the records, it is also revealed that the petitioner filed the petition in the year 2023 to examine the said person as additional evidence and he managed to drag the petition for two years. Therefore, the appellate court rightly dismissed the petition. As such, this criminal revision case is liable to be dismissed.

5. Accordingly, this criminal revision case is dismissed. However, the appellate court is directed to dispose of the appeal within a period of three months from the date of receipt of copy of this order. Index : Yes/No Neutral citation : Yes/No

Speaking/non-speaking order

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G.K.ILANTHIRAIYAN, J.

lok To The learned Principal Sessions Judge at Puducherry

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