



WEB COPY

CRL RC No. 2323 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-08-2026

CORAM

THE HON'BLE MR.JUSTICE SHAMIM AHMED

CRL RC No. 2323 of 2024

Syed Karim

..Petitioner(s)

Vs

Velmurugan

..Respondent(s)

Prayer: Criminal Revision Petition filed under Section 438 of the Bharatiya Nagarik Suraksha Sanhita, 2023 to set aside the order passed by the Principal District Judge, Kallakurichi made in C.A.No.62 of 2024 dated 13.11.2024 whereby confirming the Judgment passed by the learned Judicial Magistrate, Thirukoilur made in CC.No.273 of 2021 dated 07.06.2024 by allowing the Criminal Revision Petition.

For Petitioner(s):

M/s.V.Suguna

For Respondent(s):

Ms.T.Nishanthi
for Ms.T.Bagyalakshmi

ORDER

This Criminal Revision Petition has been filed challenging the order dated 13.11.2024 passed by the learned Principal District Judge, Kallakurichi made in C.A.No.62 of 2024 whereby the appeal was dismissed for default on the ground that there was no representation on behalf of the appellant.



2. Learned counsel for the petitioner submits that the counsel for the appellant who was engaged in the case was busy with some other work at the relevant point of time. The appeal was taken on argument on 13.11.2024. The counsel could not appear to press the appeal. Thus the appeal was dismissed for non-prosecution. It is further submitted that the appeal may be heard and decided on merits.

3. She also submitted that the condition imposed by this Court vide order dated 22.06.2026 was complied with and the petitioner has shown his bonafide by paying a sum of Rs.1,00,000/- on 03.07.2026 before the Trial Court as ordered by this Court. The deposit receipt has also been produced before this Court, which is taken on record.

4. Learned counsel for the respondent Ms.T.Nishanthi submitted that the order passed by this Court dated 22.06.2026 has been complied with and the petitioner has already deposited Rs.1,00,000/- which is 50% of the total cheque amount. Thus she has submitted that she has no objection in setting aside the order passed by the Trial Court dated 13.11.2024 and that matter may be remanded before the learned Principal District Judge at Kallakurichi to decide the appeal on merits. She also submitted that the amount as deposited by the petitioner to the tune of Rs.1,00,000/- may be withdrawn by the respondent



5. Accordingly, considering the ground taken in the present revision challenging the order dated 13.11.2024 and the statement given by the counsel for the respondent that she has no objection if the matter may be remanded back to the learned Principal District Judge, Kallakurichi to decide the C.A.No.62 of 2024 on merits, this Court deems it appropriate to quash the order dated 13.11.2024 and remand the matter back to the learned Court of Principal District Judge at Kallakurichi to decide the C.A.No.62 of 2024 on merits after hearing the parties of both the sides as expeditiously as possible within a period of six months from the date of certified copy of the order is produced before the court concerned.

6. The respondent is directed to move an application before the learned court for withdrawal of Rs.1,00,000/- deposited by the petitioner on 03.07.2026 in compliance of the order dated 22.06.2026. If any such application is filed, the trial court is directed to disburse the aforesaid amount in favour of the respondent within three weeks thereafter.

7. In the result, the present Criminal Revision Case is allowed and the impugned order, dated 13.11.2024, passed in Crl.A.No.62 of 2024, by the learned Principal District Judge, Kallakurichi is set aside. There shall be no order as to costs.

06-08-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
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SHAMIM AHMED, J.

NHS

To

- 1.The Principal District Judge, Kallakurichi
- 2.The Judicial Magistrate, Thirukoilur

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