

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.03.2015

CORAM

THE HONOURABLE MR.JUSTICE S.MANIKUMAR

Cr1.R.C.No.198 of 2015

Selvam @ Mondi Selvam

.. Petitioner

Vs

The Inspector of Police,
Mohanur,
Namakkal District.

.. Respondent

Criminal Revision filed under sections 397 r/w 401 of Criminal Procedure Code to call for records relating to the order of dismissal dated 08.09.2014 made in CA No.46 of 2014 on the file of the Principal Sessions Judge, Namakkal and in C.C.135/13, J.M.II, Namakkal, setaside the same by allowing the above criminal revision petition.

For Petitioner : Mr.K.A.Mariappan

For Respondent : Mr.P.Govindarajan,
Additional Public Prosecutor

O R D E R

Impugned judgment in this Criminal Revision case is as follows:

"JUDGEMENT

The Appeal is filed u/s.374 Cr.P.C., against the judgement of conviction and sentence passed by the learned Judicial Magistrate No.II, Namakkal in C.C.No.135/2013 dated 25.06.2014 and to set aside the same.

2. The case was registered against the accused u/s 374 Cr.P.C. Negotiable Instrument Act, in CC.No.135/2014 dated 25.06.2014 and the learned Judicial Magistrate convicted and sentenced the accused to undergo 2 years simple imprisonment and to pay fine sum of Rs.100/- i/d simple imprisonment for Three months for the offence u/s 380 IPC Act. Aggrieved against the same, the appellant/accused has filed this criminal appeal before this Court.

3. On 08.09.2014 when the case was posted for appearance of the appellant no present. No representation for Appellant case is pending for Arguments for long time. Hence Appeal is dismissed for default."

2. Appeal has been dismissed for default. No doubt the appellant had defaulted, when the appeal was posted for arguments. Yet, this Court is of the view that the accused should be given an opportunity to argue on merits.

3. In view of the above, impugned judgment dated 08.09.2014 in CrI.A.No.46 of 2015 on the file of the learned Principal Sessions Judge, Namakkal, is set aside and the Criminal Revision Case is allowed. Learned Principal Sessions Judge, Namakkal, is directed to fix a date for hearing of the appeal.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Sessions Judge,
Namakkal.
2. The Judicial Magistrate No.II, Namakkal.
3. The Inspector of Police,
Mohanur,
Namakkal District.
4. The Public Prosecutor,
High Court,
Madras.

MP(CO)
EU 30.03.2015

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(CrI.RC.SR.No.8072 of 2015)