

Crl.O.P.No.15468 of 2016
in
Crl.A.Sr.No.23894 of 2016

M.VENUGOPAL, J.

Private Notice to the Respondent was served on 24.08.2016. It appears that the Court Notice was served on the Respondent on 26.10.2016 (as seen from the Report of the Judicial Magistrate, Fast Track Court No.II, Erode).

2.Today, when the matter is taken up for hearing, on behalf of the Respondent, there is no representation either in person or through Learned Counsel.

3.Considering the fact that the Private Notice to the Respondent was served as early as on 24.08.2016 and also, the Court Notice was served on 26.10.2016, this Court holds that the Service is held sufficient.

4.The Learned Counsel for the Petitioner/Appellant submits that the Petitioner/Appellant was examined as P.W.1 and Exs.P.1 to P.7

M.VENUGOPAL.J,

Sgl

were marked in S.T.C.No.89 of 2011 on the file of the trial Court and the matter was posted for cross examination of P.W.1. However, the trial Court had dismissed the Miscellaneous Petitions filed by the Petitioner (wherein the reason of ill health was assigned by him) and ultimately, dismissed the complaint/case, because of the reason that the Petitioner was not appearing before the trial Court properly and further, there was no progress in the case and the same is not valid in the eye of Law.

5.In view of the aforesaid submission(s), this Court is of the considered view that the matter requires examination/consideration and viewed in that perspective, the Criminal Original Petition for Grant of Special Leave is allowed.

03.11.2016
(1/2)

Index : Yes / No
Internet : Yes / No
Sgl

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