

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.11.2016

CORAM:

THE HON'BLE MR.JUSTICE C.T. SELVAM

Crl.R.C.No.1289 of 2016

and

Crl.M.P.No.11509 of 2016

1.M/s.Seaforth Estate,
Sea Forth,
The Nilgiris.

2.Sailesh T.Bhansali

3.Lalu T.Bhansali

4.Vijayakumar Nair

... Petitioners

Vs.

State Rep. by
Provident Fund Inspector,
Enforcement Officer,
Spencer's Building.
Now State Bank Lane,
Udhagamandalam,
Nilgiris.

... Respondent

Criminal Revision filed under Section 397 and 401 Cr.P.C. praying to set aside the order of rejection passed on 19.07.2016 in the Appeal (not numbered) in the CFR Stage namely C.A.C.F.R.No.1236 of 2015 and connected miscellaneous petitions in C.F.R.No.1234 of 2015 and C.F.R No.1235 of 2015 on the file of District and Sessions Judge, Nilgiris at Udhagamandalam.

For Petitioners : Mr.K.V.Sridharan

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O R D E R

The petitioner challenges the rejection order passed in Appeal (not numbered) in C.A.C.F.R.No.1236 of 2015 and connected miscellaneous petitions in C.F.R.No.1234 of 2015 and C.F.R No.1235 of 2015 on 19.07.2016 by District and Sessions Judge, Nilgiris at Udhagamandalam.

2. Heard learned counsel for petitioners.

3.Learned counsel for petitioners submitted that order passed by learned Judge is unsustainable in law and the same has to be set aside and if appeal is not taken on file along with connected miscellaneous petitions, it would cause great prejudice to petitioners.

4.Learned counsel for petitioners further submitted that if the criminal appeal is restored along with connected miscellaneous petitions, petitioners are ready to proceed with appeal before the Court below on 30.11.2016.

5.This Court records the submission made by learned Counsel for the petitioners.

6.A perusal of judgment reveals that the learned Judge passed the impugned order without hearing petitioners herein and the same reads thus:

"No representation for appellant side. Appellant called absent. Despite several adjournments appellant is not ready to submit his representation. Hence, this appeal memorandum is rejected."

7.Considering submission made by the learned counsel for revision petitioners, criminal appeal is remanded to the lower appellate Court for fresh disposal. The orders passed in C.A.C.F.R.No.1236 of 2015 and connected miscellaneous petitions in C.F.R.No.1234 of 2015 and C.F.R No.1235 of 2015 are set aside and the same is restored. Learned District and Sessions Judge, Nilgiris at Udhagamandalam is directed to take up C.A.C.F.R.No.1236 of 2015 and in C.F.R.No.1234 of 2015 and C.F.R No.1235 of 2015 on file and after numbering the appeal, post the same for arguments. The learned Judge is further directed to consider the petition moved by petitioner seeking recall of Non Bailable Warrant.

8.Learned counsel for the petitioner is directed to argue the appeal before the Court below on 30.11.2016 without fail and without seeking unnecessary adjournment. The Court below is directed to dispose of the appeal along with connected miscellaneous petitions as early as possible.

9. In the result, the Criminal Revision is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

To

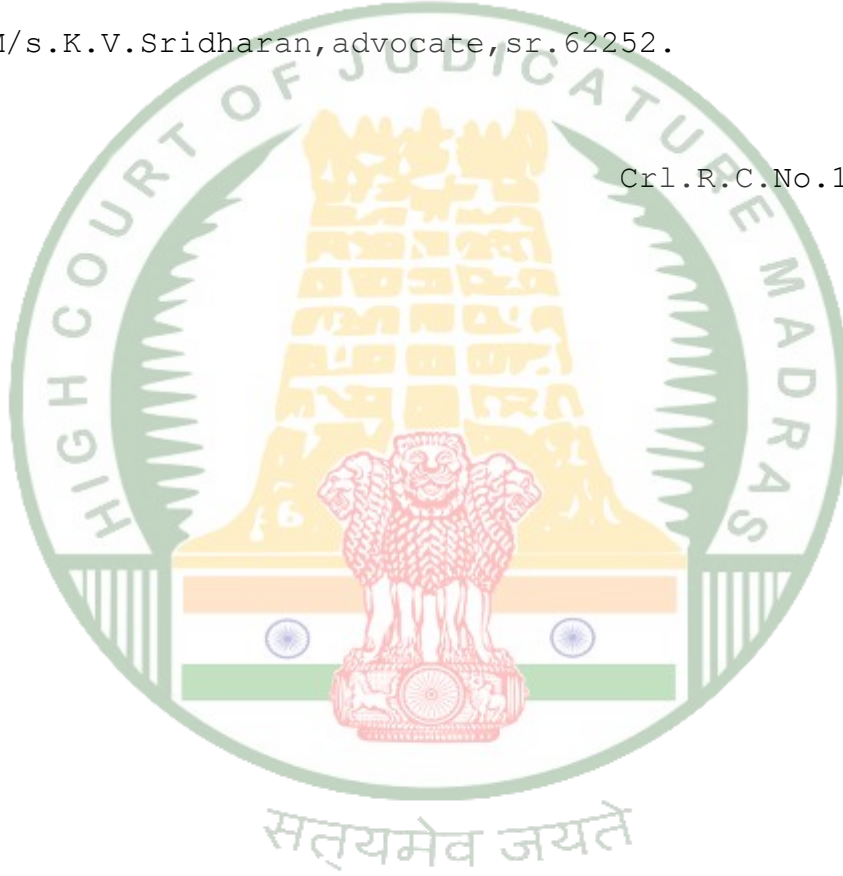
1. The District and Sessions Judge,
Nilgiris at Udhagamandalam.

2.The Provident Fund Inspector,
Enforcement Officer,
Spencer's Building.
Now State Bank Lane,
Udhagamandalam,
Nilgiris.

+1 cc to M/s.K.V.Sridharan, advocate, sr.62252.

gm(co)
krd 25/11

Cr1.R.C.No.1289 of 2016



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