

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2016

CORAM:

THE HON'BLE MR.JUSTICE P.N.PRAKASH

Crl.O.P. Nos.25712 & 25713 of 2016
&
Crl.M.P. Nos.12547 & 12548 of 2016

Manusanth ... Petitioner in Crl.OP.25712/2016

Prakash ... Petitioner in Crl.OP.25713/2016

Vs.

1.Deepak Kumar

2.State represented by
the Inspector of Police
P-4, Basin Bridge (Crime) Police Station
Chennai

... Respondents in
both the petitions

Criminal Original Petitions filed under Section 482 of the Code of Criminal Procedure, seeking to set aside the dismissal orders dated 05.07.2016 passed by the Principal Sessions Judge, Chennai in Crl.R.C. Nos.54 and 55 of 2016, respectively, for non prosecution and deal the revision case as fresh ones.

For petitioner : Mr. V. Pavel
in both Crl.O.Ps.

For R2 : Mr. C. Emalias
in both Crl.O.Ps. Additional Public Prosecutor

COMMON ORDER

These Criminal Original Petitions have been filed seeking to set aside the dismissal orders dated 05.07.2016 passed by the Principal Sessions Judge, Chennai in Crl.R.C. Nos.54 and 55 of 2016, respectively, for non prosecution and deal with the revision cases as fresh ones.

2. One Deepak Kumar, the first respondent herein, was arrested in Crime No.844 of 2013 and for his release on bail, the petitioners herein stood as sureties. In the meantime, the police completed the investigation and filed the final report in C.C. No.8253 of 2014 before the X Metropolitan Magistrate Court, Egmore at Allikulam against Deepak Kumar for offences under Sections 406, 420 and 440 IPC and trial is pending. While so, Deepak Kumar absconded. Hence, the petitioners filed Crl.M.P. Nos.1000 and 1099 of 2014 respectively in C.C. No.8253 of 2014 under Section 444, Cr.P.C. for discharging them from suretyship, which was dismissed by the X Metropolitan Magistrate Court, Egmore at Allikulam on 20.05.2016. Challenging the said orders, the petitioners preferred Crl.R.C. Nos.54 and 55 of 2016 before the Principal Sessions Judge, Chennai and the same were also dismissed for default on 05.07.2016, challenging which, the petitioners are before this Court with the present Criminal Original Petitions.

3. The learned counsel for the petitioners submitted that since the counsel for the petitioners was ill, there was no representation for the petitioners before the Principal Sessions Judge, Chennai, on account of which, the cases were dismissed for default.

Accepting the submission of the learned counsel for the petitioners, both the Criminal Original Petitions are allowed and the orders dated 05.07.2016 passed by the Principal Sessions Judge, Chennai, in Crl. R.C. Nos.54 and 55 of 2016 are hereby set aside. The petitioners are directed to surrender before the Principal Sessions Judge, Chennai on 14.12.2016 at 10.30 a.m. and the Principal Sessions Judge, Chennai is directed to deal with Crl.R.C. Nos.54 and 55 of 2016 in accordance with law. Connected Crl.M.Ps. are closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

cad

To

1.The Inspector of Police
P-4, Basin Bridge (Crime) Police Station,
Chennai.

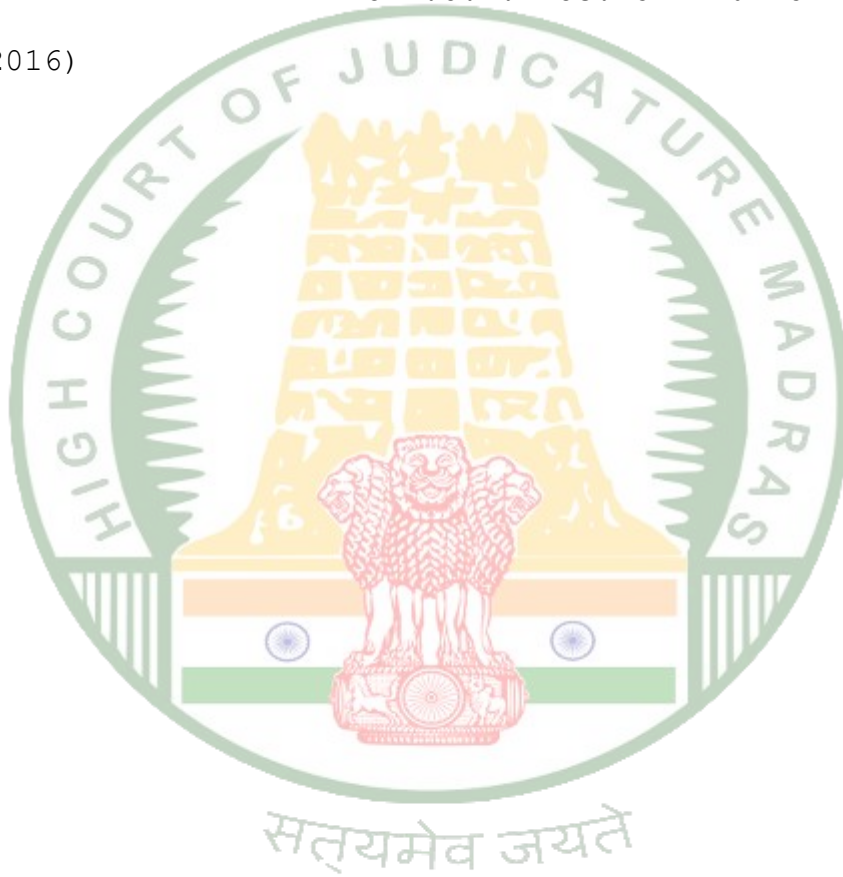
2.The Principal Sessions Judge,
Chennai.

3.The Public Prosecutor
High Court of Madras,
Chennai 600 104.

+1cc to Mr.V.Pavel, Advocate, S.R.Nos.9381 & 69382

Cr1.O.P. Nos.25712 & 25713 of 2016

CA(28/11/2016)



WEB COPY