



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Thursday, the Seventh day of April Two Thousand Sixteen

PRESENT

The Hon`ble Mr Justice V.S.RAVI

CRL OP(MD) No.23951 of 2015 IN CRL A(MD)No.SR42536 of 2015

DHANANJEYAN

... PETITIONER / APPELLANT

Vs

BENJAMIN RAJAREGAM DURAIRAJ

... RESPONDENT / RESPONDENT

Prayer in CRL OP(MD). 23951/ 2015 : To grant special leave to prefer appeal against the order of acquittal passed in Judgement dated 9.7.2015 in S.T.C. No.372 of 2008 on the file of the Learned II Additional District Munsif cum Judicial Magistrate No.1, Kumbakonam Thanajvur District.

Prayer in CRL A(MD)No.SR42536 of 2015: To call for the records in S.T.C.No.372 of 2008 on the file of the Learned II-Additional District Munsif Cum Judicial Magistrate No.1, Kumbakonam, Thanjavur District and set aside the Judgment dated 09.07.2015.

ORDER : These petitions coming on for orders upon perusing the petitions and the affidavits filed in support thereof and upon hearing the arguments of Mr.A.THIRUVADI KUMAR, Advocate for the petitioner and the Respondent not appeared either in person or by an Advocate and the court made the following order:-

This Petition is filed to grant special leave to prefer an appeal against the order of acquittal judgment, dated 9.7.2015 passed in S.T.C.No.372 of 2008, on the file of the learned II Additional District Munsif-cum-Judicial Magistrate No.I, Kumbakonam, Thanjavur District.

2.Heard the learned counsel for the Petitioner and perused the records. Even though, Court notice has been served on the respondent, there is no representation for the respondent and the respondent is also called absent today.

3.It is stated in the affidavit enclosed along with the Petition that the trial Court has failed to take into consideration that the absence of the Petitioner is neither wilful nor wanton, but due to his ill-health and the fact remains that the Petitioner has undergone a major surgery to remove the tumour in his heart at Faith Hospital at Villivakkam, Chennai on 05.06.2015 and he has undergone constant medical supervision and care.



In order to establish the fact that the Petitioner has undergone medical treatment, he has produced the medical records in the typed- set of papers from Page Nos.9 to 26.

4.Considering the detailed averments made in the affidavit, this Court is satisfied with the reasons adduced therein to grant special leave as sought for herein.

5.Accordingly, this Petition is allowed and Special Leave is granted as prayed for.

sd/-
07/04/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE ADDITIONAL DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE NO.1
KUMBAKONAM, THANJAVUR DISTRICT.
2. -DO-THRO' THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT.

ORDER
IN
CRL OP(MD) No.23951 of 2015 IN
CRL A(MD)No.SR42536 of 2015
Date :07/04/2016

vsn
SH/AN-, P/AR-1:13.04.2016:2P/3C