



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Friday, the Seventeenth day of June Two Thousand and Sixteen

PRESENT

The Hon`ble Mr.Justice K.K.SASIDHARAN
and

The Hon`ble Mr.Justice B.GOKULDAS

CRL MP(MD) No.4828 of 2016

IN

CRL A(MD) No.136 of 2015

BALAMURUGAN

... PETITIONER/APPELLANT.

Vs

THE INSPECTOR OF POLICE
NADUCAUVERY POLICE STATION,
THANJAVUR DISTRICT.
(CRIME NO. 212/2010)

... RESPONDENT/RESPONDENT.

Prayer in CRL MP(MD)No. 4828 of 2016:

Criminal Miscellaneous Petition filed under Section 482 Cr.P.C. to restore the Crl.A.(MD) No. 136 of 2015 on its file, which was dismissed for non-prosecution by this Honourable Court on 13.04.2016.

Prayer in CRL A(MD)No. 136 of 2015:

Criminal Appeal filed under Section 374 Cr.P.C. to Set aside the judgment passed by the II Additional District and Sessions Judge, Thanjavur in S.C.No.50 of 2012, dated 28.04.2015 and acquit the appellant from the charges.

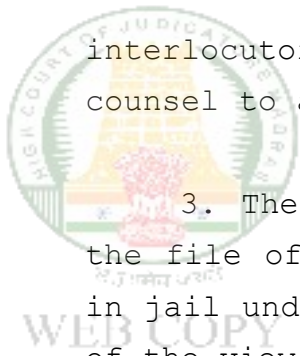
Order: This petition is coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S M.KARUNANITHI, Advocate for the petitioner and of MR.R.RAMACHANDRAN, Additional Public Prosecutor for the respondent, the court made the following order:-

(Order of the Court was made by K.K.SASIDHARAN,J)

This Petition is filed to restore the appeal in Crl.A(MD)No.136 of 2015 on file, which was dismissed for default on 13.04.2016.

<https://hcservices.ecourts.gov.in/hcservices/>

2. The petitioner in his affidavit filed in support of the



interlocutory application indicated the reasons for the absence of his counsel to appear before this Court on the date of hearing.

3. The petitioner challenged the conviction in S.C.No.50 of 2012 on the file of II Additional District and Sessions Court, Thanjavur. He is in jail undergoing the sentence. Such being the factual position, we are of the view that the miscellaneous petition deserves to be allowed.

4. The petition is allowed and the Cr.A(MD)No. 136 of 2015, is restored to file. Post the Criminal Appeal for hearing on 22nd August 2016.

Sd/-
Assistant Registrar(CS-I)

/ TRUE COPY /

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

TO

1 THE II ADDITIONAL DISTRICT AND SESSIONS JUDGE,
THANJAVUR.

2 THE JUDICIAL MAGISTRATE,
THIRUVAIYARU.

3 THE ADDL. PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

4 THE INSPECTOR OF POLICE
NADUCAVERY POLICE STATION,
THANJAVUR DISTRICT.

Copy to: The Section Officer,
Criminal Section,
Madurai Bench of Madras High court,
Madurai

ORDER DATED : 17.06.2016
HEARING DATE: 22.08.2016

ORDER

CRL MP(MD) No.4828 of 2016
IN
CRL A(MD) No.136 of 2015
Giving direction etc., as
stated within.