



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

Tuesday, the Fifth day of July Two Thousand Sixteen

PRESENT

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

CRL MP(MD) No.5258 of 2016
IN
CRL A(MD) No.32 of 2014

KALUTHAIPANDI ... PETITIONER/APPELLANT/ACCUSED NO.1
Vs

STATE REP. BY
THE DEPUTY SUPERINTENDENT OF POLICE,
USILAMPATTI SUB DIVISION,
MADURAI DISTRICT.
IN CR.NO. 6/2012
ON THE FILE OF THE
EZHUMALAI POLICE STATION ... RESPONDENT/RESPONDENT/COMPLAINANT

Petition filed under Section 482 of Cr.P.C. praying that this Hon'ble Court may be pleased to set aside the order dismissing the appeal in C.A.No. 32/2014 on 01.03.2016 for non-prosecution and restore the same

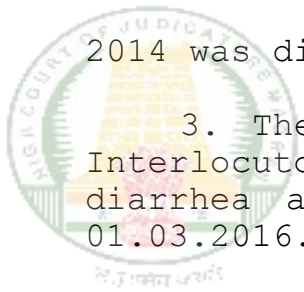
Prayer in Crl.A.(MD)No.32/2014:

Criminal Appeal filed under Section 374(2) Cr.P.C. praying that this Hon'ble Court may be pleased to call for the records relating to the judgment passed in SC.No.30/2012 dated 30.12.2013 on the file of the IIIrd Additional District Judge, (PCR), Madurai and set aside the same and acquit the Appellant/Accused No.1, from all charges leveled against him and thus render justice.

Order : This petition coming on for hearing on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/s.Venkateswaran, Advocate for the petitioner and of Mr.R.Ramachandran, Additional Public Prosecutor, on behalf of the Respondent, the court made the following order:-

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

Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing on behalf of the State.



2014 was dismissed for default.

3. The petitioner, in his affidavit filed in support of the Interlocutory Application, submitted that his counsel was having diarrhea and as such, he failed to appear before the Court on 01.03.2016.

4. The learned Additional Public Prosecutor fairly submitted that he has no objection in allowing the petition.

5. In view of the reasons found mentioned in the affidavit filed in support of the petition and taking into account the submission made on behalf of the parties, the order dated 01.03.2016 is set aside. The appeal in Crl.A(MD)No.32 of 2014 is restored to file.

sd/-

Assistant Registrar (CS-I)

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

THE III ADDITIONAL DISTRICT JUDGE (PCR), MADURAI.

Copy to:

The Section Officer, Criminal Section,
Madurai Bench of Madras High Court, Madurai.

JM/SK-SKN/SAR-I/18.07.2016/2P-3C

ORDER DATED : 05.07.2016

ORDER

CRL MP(MD) No.5258 of 2016
IN
CRL A(MD) No.32 of 2014
Giving directions and etc.,
as stated within.