



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Wednesday, the Twentieth day of July 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.5850 of 2016
IN
CRL A (MD) No.311 of 2013

CHINNADAIAKKAN,
S/O.PONNAN

... PETITIONER/APPELLANT/SOLE ACCUSED

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
NATHAM POLICE STATION,
DINDIGUL DISTRICT.
CR.NO.93/2009

... RESPONDENT/RESPONDENT/COMPLAINANT.

Criminal Miscellaneous Petition filed under Section 482 of Cr.P.C. Praying that this Hon'ble Court may be pleased to restore the Crl.A.(MD). No.311 of 2013 which was dismissed by this Honourable Court for non-prosecution dated 8.3.2016.

Criminal A No.311 of 2013:

Criminal Appeal filed under Section 374 of Criminal Procedure Code, Praying that this Hon'ble Court may be pleased to call for the entire records connected with Judgment rendered by the Hon'ble Principal Sessions Judge, Dindigul in S.C.No. 268 of 2010, dated: 30.11.2012 and set aside the same consequently acquit the appellant.

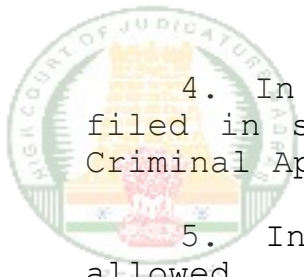
Order: This Criminal Miscellaneous petition coming on for hearing on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S M.DANIEL MANOHARAN, Advocate for the petitioner and of MR.R.RAMACHANDRAN, Additional Public Prosecutor appearing on behalf of the Respondents, and 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 Additional Public Prosecutor appearing on behalf of the respondent.

2. This Petition is at the instance of the third accused and the prayer is to restore the Criminal Appeal in Crl.A(MD)No.311 of 2013, which was dismissed for default, on 08.03.2016.

3. The petitioner, in the affidavit filed in support of the interlocutory Application, indicated the reasons for the absence of his counsel on the date of hearing.



4. In view of the reasons found mentioned in the affidavit filed in support of the petition, we deem it fit to restore the Criminal Appeal.

5. In the result, the present Miscellaneous Petition is allowed.

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6. The appeal in Crl.A(MD)No.311 of 2013 is restored to file.

7. The Registry is directed to post the Criminal Appeal for final disposal on 14.09.2016

Sd/-

Assistant Registrar(AS)

/ TRUE COPY /

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

TO

- 1 THE DISTRICT MUNSIF-CUM- JUDICIAL MAGISTRATE, NATHAM.,
 - 2 THE CHIEF JUDICIAL MAGISTRATE,DINDIGUL DISTRICT.
 - 3 THE PRINCIPAL DISTRICT AND SESSIONS JUDGE, DINDIGUL.
 - 4 THE DISTRICT COLLECTOR, DINDIGUL DISTRICT.
 - 5 THE DIRECTOR GENERAL OF POLICE,VEPERY, CHENNAI-7
 - 6 THE INSPECTOR OF POLICE,NATHAM POLICE STATION,DINDIGUL DISTRICT.
 - 7 THE SUPERINTENDENT,CENTRL PRISON,MADURAI.
 - 8 THE ADDL. PUBLIC PROSECUTOR,MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
 - 9 THE SECTION OFFICER, CRIMINAL SECTION (RECORDS),
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- (To list the case on 14/09/2016)**

Copy to:

THE SECTION OFFICER, CAUSE LIST SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER DATED : 20/07/2016

HEARING DATE: 14/09/2016

ORDER

CRL MP(MD) No.5850 of 2016

IN

CRL A(MD) No.311 of 2013

Allowing this Criminal
Miscellaneous Petition filed
for restoring this Criminal
Appeal No. 311 of 2013 etc., as
stated within.