



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Wednesday, the Twenty Seventh 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.6122 of 2016

IN

CRL A(MD) No.218 of 2014

BABU

... PETITIONER

Vs

STATE REPRESENTED BY THE INSPECTOR OF POLICE
MELAPALAYAM POLICE STATION,
TIRUNELVELI DISTRICT. CR. NO.544/2009 ... RESPONDENT

Prayer in CRL MP(MD).No. 6122/2016: Petition Under Section 482 of Cr.P.C. that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to restore the Crl.A. (MD). No.218 of 2014 dated 07.03.2016 which was dismissed for non-prosecution.

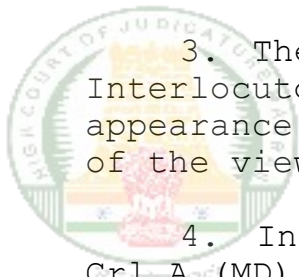
Prayer in Crl.A(MD).No. 218/2014 : Criminal Appeal filed U/s.374(2) of Criminal Procedure Code to call for the records in S.C.No. 81 of 2010 dated 27.07.2013 on the file of the District and Sessions Judge, Mahila Court, Tirunelveli and set aside the conviction and thereby acquitted this Appellant/Accused-A2.

Order : This Criminal Miscellaneous petition coming on for hearing on this day upon perusing the petition filed in support thereof the order of the High Court and upon hearing the arguments of M/S. A.BANUMATHY, Advocate for the petitioner and of Mr.R.Ramachandran, Additional Public Prosecution for 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 respondent.

2. This Petition is to restore the Appeal in Crl.A.(MD).No.218 of 2014, which was dismissed for default, on 07.03.2016.



3. The petitioner, in the affidavit filed in support of the Interlocutory Application, indicated the reasons for the non-appearance of his counsel on the date of hearing. We are, therefore, of the view that the petition deserves to be allowed.

4. In the result, this petition is allowed. The Appeal in CrI.A.(MD).No.218 of 2014 is restored to file.

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sd/-

Assistant Registrar (CS-I)

/ TRUE COPY /

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

TO

- 1 THE DISTRICT AND SESSIONS JUDGE, MAHILA COURT, TIRUNELVELI.
- 2 THE JUDICIAL MAGISTRATE NO.V, TIRUNELVELI
- 3 THE INSPECTOR OF POLICE
MELAPALAYAM POLICE STATION, TIRUNELVELI DISTRICT.
- 4 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI
- 5 THE SECRETARY HOME DEPARTMENT
SECRETARIAT, CHENNAI -9.
- 6 THE JOINT SECRETARY (LAW AND ORDER) DEPARTMENT
SECRETARIAT, CHENNAI
- 7 THE DIRECTOR GENERAL OF POLICE, CHENNAI
- 8 THE DIRECTOR GENERAL OF PRISON, CHENNAI
- 9 THE PRINCIPAL DISTRICT JUDGE, TIRUNELVELI
- 10 THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI
- 11 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER DATE : 27.07.2016

O R D E R

CRL MP(MD) No.6122 of 2016
IN
CRL A(MD) No.218 of 2014

Giving direction is etc., as
stated within.

JA-SKS-RR/SAR.I/03.08.2016/2P:12C