



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

Wednesday, the Tenth day of August Two Thousand Sixteen
PRESENT

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

CRL MP (MD) No.6738 of 2016
IN
CRL A (MD) No.202 of 2015

1 BACKIYARAJ
2 SASIKUMAR ...APPELLANT/ACCUSED
(NOW CONFINED AS LIFE CONVICT
IN TRICHY CENTRAL PRISON)

Vs

STATE THROUGH
THE INSPECTOR OF POLICE
NAVALPATTU POLICE STATION,
TRICHY DISTRICT.
CRIME NO.54/2013

... RESPONDENT/COMPLAINANT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to restore the criminal appeal in Crl.A.(MD). No.202 of 2015 which was dismissed by this Honourable Court for non-prosecution dated 26.2.2016.

Prayer in Crl.A.(MD)No.202 of 2015:

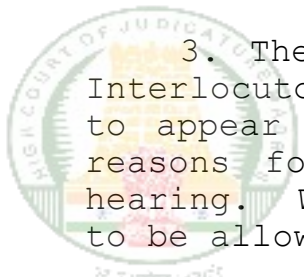
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to call for the records connected to the judgment dated 24.01.2014 in S.C.No.168 of 2013 on the file of the Hon'ble Sessions Judge of Thiruchirappalli Division, Tiruchirappalli and set aside the conviction and sentence imposed against the appellants and acquit the appellants.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S R.VENKATESAN, Advocate for the petitioner MR.RAMACHANDRAN, Additional Public Prosecutor 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 petitioners.

2. This Petition is to restore the Appeal in Crl.A(MD) No.202 of 2015, which was dismissed for default, on 26.02.2016.



3. The petitioners, in the affidavit filed in support of the Interlocutory Application, indicated the reasons for their failure to appear before this Court. Similarly, they have explained the reasons for the non-appearance of their 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.202 of 2015 is restored to file.

5. The Registry is directed to post the Criminal Appeal for final disposal on 27.09.2016.

sd/-
10/08/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.III, TIRUCHIRAPPALLI.
- 2 DO THRO' THE CHIEF JUDICIAL MAGISTRATE, TIRUCHIRAPPALLI.
- 3 THE PRINCIPAL SESSIONS JUDGE,
TIRUCHIRAPPALLI DIVISION, TIRUCHIRAPPALLI.
- 4 THE DISTRICT COLLECTOR, TIRUCHY DISTRICT.
- 5 THE DIRECTOR GENERAL OF POLICE, MYLAPORE, CHENNAI - 4.
- 6 THE INSPECTOR OF POLICE, NAVALPATTU POLICE STATION,
TRICHY DISTRICT.
- 7 THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.
- 8 THE SECRETARY TO GOVERNMENT, HOME DEPARTMENT, SECRETARIAT,
CHENNAI - 9.
- 9 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

GJM/CK/SAR-III-19.8.16-2P-10C

ORDER
IN
CRL MP(MD) No.6738 of 2016
IN
CRL A(MD) No.202 of 2015
Date :10/08/2016