



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.08.2016

CORAM:

THE HONOURABLE Dr. JUSTICE S.VIMALA

Crl.O.P. (MD) No.14153 of 2016

M.Navanathan

.. Petitioner

Vs.

Arumugam @ Dheepori Arumugam

.. Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to direct the Principal District and Sessions Judge Ramanathapuram to accept the representation dated 04.07.2016 and 25.07.2016 and consequently restore the session's case in SC No.23/2016 which was dismissed for non prosecution on 30.06.2016.

For Petitioner : Mr.V.Kathirvelu,
Senior Counsel for Mr.K.Kumaravel

ORDER

It is an application seeking a direction to the Principal District and Sessions Judge, Ramanathapuram to restore the application filed by the petitioner (Public Prosecutor of Ramanathapuram District) in S.C.No.23 of 2016, which was dismissed on 30.06.2016.

2.It is the grievance of the petitioner that the petition filed for restoration is continuously returned, questioning the provision of law, under which the petition for restoration has been filed.

3.A perusal of docket entries would go to show that the Court might have been aggrieved over the fact that there was no representation on behalf of the complainant/petitioner for some hearings.

4.Having regard to the nature of duties to be performed by the Office of the Public Prosecutor, he would not have been in a position to appear before the Court, when the matter was called. However, somebody would have represented to the Court that the Public Prosecutor, having been engaged in some other Court, would appear before the Court in due course of time. That seems to be a problem between the Court and the Office of the Public Prosecutor.



5.However, when there is no specific provision for filing restoration application in so far as this case is concerned, the Court need not insist upon the provision.

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6.Under such circumstances, the Principal District and Sessions Judge, Ramanathapuram is directed to take the application filed for restoration on file and pass appropriate orders, on merits and in accordance with law.

7.With the above direction, this Criminal Original Petition is disposed of.

Sd/
Assistant Registrar(Cs-I)

/True Copy/

Sub Assistant Registrar.

To

The Principal District and Sessions Judge,
Ramanathapuram.

+1CC to M/S.K.Kumaravel, Advocate, SR.No. 43538

Cr1.O.P.(MD)No.14153 of 2016
10.08.2016

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