

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.01.2017

CORAM:

THE HON'BLE MR.JUSTICE C.T. SELVAM

CrI.R.C.No.12 of 2017

and

CrI.M.P.Nos.80 and 81 of 2017

V.Sukumaran

S/o.P.Venkatraman

.. Petitioner

vs.

G.S.Reddy

.. Respondent

Criminal Revision filed under Section 397 and 401 Cr.P.C. against the judgment of learned XVI Additional Sessions Judge, Chennai, passed in C.A.No.114 of 2013 dated 14.09.2015. thereby confirming the conviction and sentence imposed by the learned Metropolitan Magistrate, Fast Track Court, I, Egmore Chennai in C.C.No.1226 of 2011 dt.28.05.2013.

For Petitioner : Mr.Ravichandran
For Respondent : No appearance

O R D E R

This revision arises against the judgment of learned XVI Additional Sessions Judge, Chennai, passed in C.A.No.114 of 2013 dated 14.09.2015, where under an appeal against conviction has been dismissed for default.

2. Heard learned counsel for petitioner. There is no representation for respondent.

An appeal against conviction cannot be so dismissed for default. In the event of continued non-representation on behalf of the appellant it would be open to the Court below to pass a considered judgment in the appeal on merits. The effect of this order would be that it would now be open to the Court below to execute the non-bailable warrant issued against the petitioner

during the pendency of the appeal. Of course, it would also be open to petitioner to file appropriate petition before the Court below seeking recall thereof. Revision is allowed and C.A.No.114 of 2013 shall stand restored to file. Connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

gm

To
The XVI Additional Sessions Judge,
Chennai.

2 The Metropolitan magistrate,
FTC-I, Egmore, Chennai

+1cc to Mr.S. Ranichandran, Advocate, S.R.No.1522

ss(CO)
md(01/02/2017)

Cr1.R.C.No.12 of 2017

सत्यमेव जयते
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