

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.02.2017

CORAM

THE HONOURABLE MR. JUSTICE C.T.SELVAM

Crl.R.C.No.184 of 2017

&

Crl.M.P.No.2038 of 2017

Madesh ... Petitioner

Vs.

State by
The Inspector of Police
Palacode, Police Station
Dharmapuri District ... Respondent

Criminal Revision filed under Section 397 and 401 Cr.P.C. to set aside the judgment in Crl.M.P.No.1527 of 2016 in Crl.A.Sr.No.5102 of 2016 in C.C.No.82 of 2013 dated 04.10.2016 on the file of learned Principal Sessions Judge, Dharmapuri.

For Petitioner : Mr.A.Ilaya Perumal

For Respondent : Mr.M.Mohammed Riyaz, G.A(Crl.side)

O R D E R

This revision challenges the order of learned Principal Sessions Judge, Dharmapuri, passed in Crl.M.P.No.1527 of 2016 in Crl.A.Sr.No.5102 of 2016 in C.C.No.82 of 2013 dated 04.10.2016.

2. A perusal of the order under challenge reveals that a most technical approach in informing that condonation of delay has been sought under wrong provisions and that petitioner has not produced proof of illness has been taken in denying the substantial right of appeal.

3. For the said reasons, this Criminal Revision petition is allowed and the order passed by the learned Principal Sessions Judge, Dharmapuri, passed in Crl.M.P.No.1527 of 2016

in Cr1.A.Sr.No.5102 of 2016 in C.C.No.82 of 2013 dated 04.10.2016 shall stand set aside. Court below is directed to number the Cr1.A.Sr and proceed further in accordance with law.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To:

1.The Principal Sessions Judge,
Dharmapuri.

2.The Inspector of Police
Palacode, Police Station
Dharmapuri District

3.The Public Prosecutor
High Court, Madras

+1cc to Mr.A..IlayaPerumal,Advocate sr.8812

Cr1.R.C.No.184 of 2017

ks(co)
ss(9/3/2017)



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