

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 02.03.2017

CORAM

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

Crl.R.C.No.340 of 2017

and Crl.M.P.No.3244 of 2017

S.Saravanan ... Petitioner
@ SaravananSakthinaraynan

Vs

R.Manivannan .. Respondent
@ Manivannan Raman

Criminal Revision filed under Section 397 and 401 Cr.P.C. against the judgment of learned Principal Sessions Judge, Kancheepuram District at Chengalpet, passed in C.A.No.9 of 2015 dated 21.03.2016. filed against the judgment of the Judicial Magistrate Fast Track Court Magisterial level) Alandur dt.29.01.2015 and made in C.C.No.101/2013.

For Petitioner : Mr.R.Sreerangan

ORDER

This revision arises against the judgment of learned Principal Sessions Judge, Kancheepuram District at Chengalpet, passed in C.A.No.9 of 2015 dated 21.03.2016, where under an appeal against conviction has been dismissed for default.

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

3. 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.9

of 2015 shall stand restored to file. Principal Sessions Judge, Kancheepuram District at Chengalpet is directed to dispose of the appeal within a period of one month from the date of receipt of a copy of the order. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To
1 The Principal Sessions Judge,
Kancheepuram District at Chengalpet.

2 The Judicial Magistrate
Fast Track Court Magistrate Level
Alandur

+1cc to Mr.R. Sreerangan, Advocate, S.R.No.14234

sv(CO)
md(21/03/2017)

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