



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.04.2017

CORAM:

THE HON'BLE MR.JUSTICE A.M.BASHEER AHAMED

Crl.R.C.(MD)Nos.240, 241, 242, 243 of 2017

Crl.R.C.(MD)No.240 of 2017:

M.Rajendran ...Revision Petitioner/ Petitioner/Accused No.9

Vs.

The Inspector of Police,
District Crime Branch,
Theni District,
Theni.

Cr No.2/2008

... Respondent/Respondent/complainant

Prayer: Petition filed under Section 397 r/w 401 of Cr.P.C to call for records in Crl.M.P.No.543 of 2017 in C.C.No.5 of 2009 on the file of the Special Court, under TNPID Act, Madurai and set aside the order dated 23.02.2017.

Crl.RC.(MD)No.241 of 2017:

P.Ponnusamy ...Revision Petitioner/ Petitioner/Accused No.2

Vs.

The Inspector of Police,
District Crime Branch,
Theni District,
Theni.

Cr No.2/2008

... Respondent/Respondent/complainant

Prayer: Petition filed under Section 397 r/w 401 of Cr.P.C to call for records in Crl.M.P.No.544/2017 in C.C.No.5/2009 on the file of the Special Court, under TNPID Act, Madurai and set aside the order dated 23.02.2017.

Crl.RC.(MD)No.242 of 2017:

<https://hcservices.ecourts.gov.in/hcservices/>

P.Ponnusamy ...Revision Petitioner/ Petitioner/Accused No.3



Vs.

The Inspector of Police,
District Crime Branch,
Theni District,
Theni. Cr No.4/2008

..Respondent/Respondent/complainant

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Prayer: Petition filed under Section 397 r/w 401 of Cr.P.C to call for records in CrI.M.P.No.545/2017 in C.C.No.6/2009 on the file of the Special Court, under TNPID Act, Madurai and set aside the order dated 23.02.2017.

CrI.RC. (MD)No.243 of 2017:

M.Rajendran ...Revision Petitioner/ Petitioner/Accused No.5

Vs.

The Inspector of Police,
District Crime Branch,
Theni District,
Theni.Cr No.4/2008

..Respondent/Respondent/complainant

Prayer: Petition filed under Section 397 r/w 401 of Cr.P.C to call for records in CrI.M.P.No.546/2017 in C.C.No.6/2009 on the file of the Special Court under TNPID Act, Madurai and set aside the order dated 23.02.2017.

For Petitioners :Mr.Muthu Vijaya Pandian

For Respondents :Mr.P.Kandasamy, G.A..(CrI.side)

COMMON ORDER

These Criminal Revision Cases were filed to set aside the order dated 23.02.2017 in CrI.M.P.Nos.543, 544. 545 and 546 of 2017 in C.C.Nos.5 and 6 of 2009 passed by the Special Court under TNPID Act, Madurai.

2.The learned counsel appearing for the petitioners is present in all revisions. The present revisions are preferred against the order of dismissal passed in discharge application by the Special Court under TNPID Act, Madurai.

3.The learned counsel for the petitioners submitted that the discharge application was posted to file counter by the respondent herein and while petitioners were absent, the Trial Court has issued non bailable warrant and also passed an order of dismissal in the discharge application filed the petitioners without any counter by the respondent.



4.The learned counsel appearing for the petitioners further submitted that NBW issued against the petitioners were recalled by the court below and now the petitioners are appearing before court concerned. The learned counsel appearing for the petitioners also submitted that the petitioners were not given an opportunity of hearing in the discharge applications and the respondent has not chosen to file any counter and was dismissed for default since NBW was issued by the Trial Court.

5.The learned Government Advocate (Crl.side) filed counter in all these revisions. He also submitted that he has no objection to set aside the order of dismissal passed in discharge applications and after giving an opportunity of hearing on either side the said applications may be decided on merits.

6.Considering the above facts and circumstances of the case and considering the fact that the discharge applications were dismissed without hearing the petitioners and also the respondent herein and also no objection on behalf of the learned Government Advocate (Crl.side) to set aside the order passed in the discharge applications, this Court is inclined to allow these revisions

7.Accordingly, the order dated 23.02.2017 in Crl.M.P.Nos.543, 544. 545 and 546 of 2017 in C.C.Nos.5 and 6 of 2009 passed by the Special Court under TNPID Act, Madurai, are set aside the Special Court is directed to dispose of these applications in Crl.M.P.Nos.543, 544, 545 and 546 of 2017 in accordance with law after providing an opportunity of hearing on either side.

8.These Criminal Revision Cases are ordered accordingly.
Sd/-

Assistant Registrar(CSI)

/True Copy/

Sub-Assistant Registrar

To

1.The Inspector of Police,
District Crime Branch,
Theni District,
Theni.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC TO MR.P.MUTHU VIJAYA PANDIAN,ADVOCATE,SR NO.19275

cp-gns

MAS/SV-MMS/17.04.2017:3P-4C

<https://hcservices.ecourts.gov.in/hcservices/>

Crl.R.C.(MD)Nos.240, 241, 242, 243 of 2017
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