

IN THE HIGH COURT OF JUDICATURE AT MADRAS
Dated:17.01.2018
CORAM
THE HONOURABLE MR. JUSTICE M.V.MURALIDARAN
Crl.Appeal No.711 of 2009

K.E.Sekar ... Appellant/Complainant

Vs

Misses-Oviam Ranjan ... Respondent/Accused

Prayer: Criminal appeal preferred under Sec.378 of the Code of Criminal Procedure, to set aside the judgment of acquittal passed in C.C.No.61 of 2002 on the file of the District Munsif cum Judicial Magistrate, Pennagaram, dated 03.02.2007.

For Petitioner : M/s.V.Rajamohan
For Respondent : No Appearance

JUDGMENT

This Criminal Appeal has been filed by the appellant/defacto complainant against the order of acquittal dated 03.02.2007 made in C.C.No.61 of 2002 on the file of the District Munsif cum Judicial Magistrate, Pennagaram.

2. The learned counsel for the appellant/Complainant submits that the appellant herein was regularly attending the Court and he was not able to present on the said date of hearing, but he was represented by the counsel. The court below has erred in dismissing the complaint on the ground that the presence of the complainant is necessary. Hence he prays for allowing the appeal.

3. Heard the Learned Counsel for the appellant. There is no representation for the respondent/Accused, despite service of notice.

4. Considering the facts and circumstances of the case, this court is of the view that an opportunity has to be given to the appellant. Accordingly the impugned Order dated 03.02.2007 made in C.C.No.61 of 2002 is set aside. The Criminal Appeal is allowed. The District Munsif cum Judicial Magistrate, Pennagaram, is directed to dispose of the case in C.C.No.61 of 2002 within a period of three months from the date of receipt of a copy of this Order, after issuing notice to both the

complainant and the respondent for their appearance on 12.02.2018.

Sd/-
Assistant Registrar (CS IX)

//True copy//

Sub Assistant Registrar

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To

1.The District Munsif cum Judicial Magistrate,
Pennagaram.

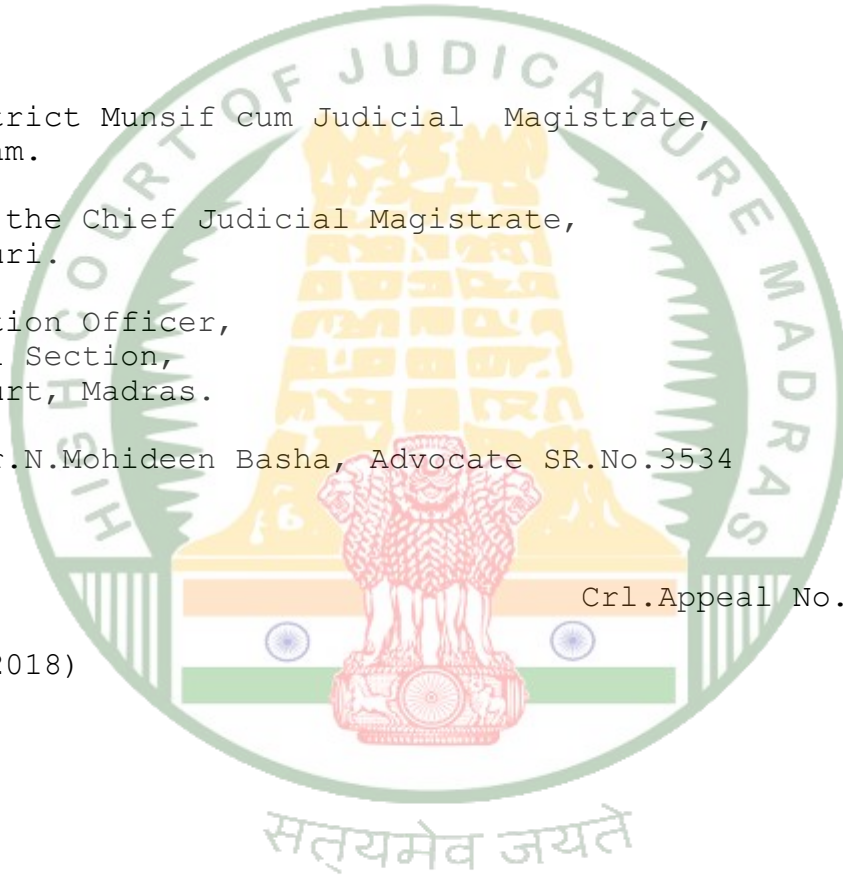
2.Do-Thro the Chief Judicial Magistrate,
Dharmapuri.

3.The Section Officer,
Criminal Section,
High Court, Madras.

+1cc to Mr.N.Mohideen Basha, Advocate SR.No.3534

GP (CO)
GN (22/01/2018)

Crl.Appeal No.711 of 2011



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