



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED :05.12.2018
CORAM :
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.R.C.(MD) No.648 of 2018

WEB COPY

1. Velmurugan
2. Subbulaxmi
3. Baskaran

... Petitioners

vs.

The State through its
The Sub Inspector of Police
Pudukottai Police Station
Tuticorin District

... Respondent

PRAYER:- Criminal Revision Case filed under Section 397 r/w 401 of the Code of Criminal Procedure, to set aside the judgment passed in C.A.No.134 of 2017 dated 12.09.2018 by the learned II Additional Sessions Judge, Tuticorin in C.C.No.1367 of 2017 dated 11.10.2017 on the file of the Judicial Magistrate No.III, Tuticorin and acquit the petitioners in the above case.

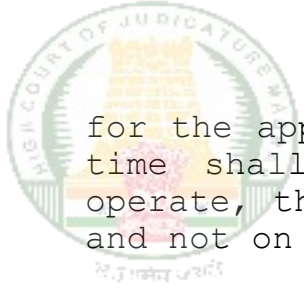
For Petitioners : Mr.Ka.Raamakrishnan
For Respondent : Mr.A.P.G.OHM.Chairma Prabhu
Government Advocate (Crl.Side)

ORDER

This criminal revision case has been filed to set aside the judgment passed in C.A.No.134 of 2017 dated 12.09.2018 by the learned II Additional Sessions Judge, Tuticorin in C.C.No.1367 of 2017 dated 11.10.2017 on the file of the Judicial Magistrate No.III, Tuticorin and acquit the petitioners in the above case.

2.The learned counsel for the revision petitioner mainly contended that the appeal was dismissed for default due to non appearance of the counsel for the appellant. Therefore as per section 384 of Cr.P.C criminal appeal cannot be dismissal for default it has to be disposed of on merits only.

3.Therefore, this Court is inclined to set aside the judgment passed by the learned II Additional Sessions Judge, Tuticorin dated 12.09.2018 in C.A.No.134 of 2017. Further, the case is remanded back to the learned II Additional Sessions Judge, Tuticorin and the learned Judge is directed to list the case on 21.12.2018 as requested by the learned counsel for the appellant for arguments. The learned counsel for the appellant is directed to argue the appeal in C.A.No.134 of 2017 on 21.12.2018 itself. The appellate Court is directed to dispose the appeal on the same day on merits in accordance with law, if possible, if not, dispose the appeal on or before 04.01.2019. However, it is made it clear that the counsel



for the appellant has to argue the appeal on 21.12.2018, no further time shall be granted for arguments. If the appellant not co-operate, the appellate Court has to pronounce the judgment on merits and not on default.

4. In the result, the criminal revision case is allowed and the judgement passed by the II Additional Sessions Judge, Tuticorin is set aside and the case is remanded back to the II Additional Sessions Judge, Tuticorin, for fresh disposal on merits.

Sd/-
Assistant Registrar(AD-I)

/True Copy/

Sub Assistant Registrar(CS-I)

To

1. The II Additional Sessions Judge,
Tuticorin
2. The Judicial Magistrate No.III,
Tuticorin
- 3.The Sub Inspector of Police
Pudukottai Police Station
Tuticorin District
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy To:

The Record Keeper,
Criminal Section,
Madurai Bench of Madras High Court,
Madurai. **(2 Copies)**

+1CC to Mr.Ka.Raamakrishnan, Advocate, SR.No. 99079

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