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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 28.11.2018
CORAM
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

CrI.R.C.[MD]No.590 of 2018
and
CrI.M.P.(MD)No.8636 of 2018

Sakkarai Bava : Petitioner/Petitioner/Complainant

Vs.

Lakshmi : Respondent/Respondent/Accused

PRAYER : Criminal Revision Case is filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records and set aside the docker order passed in S.T.C.No.1415 of 2014, dated 20.10.2017 on the file of the learned District Munsif cum Judicial Magistrate, Vendasandur by allowing this Criminal Revision case.

For Petitioner : Mr.S.Kameswaran

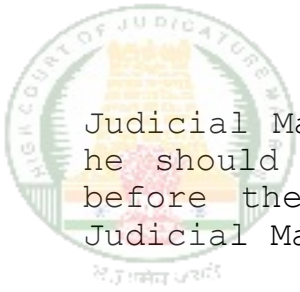
For Respondent : No Appearance

ORDER

This Criminal Revision Case has been filed against the order passed by the learned District Munsif cum Judicial Magistrate, Vendasandur, made in S.T.C.No.1415 of 2014, dated 20.10.2017.

2.None appeared on behalf of the respondent, despite notice served and the name of the respondent also printed in the cause list. Perused the order passed by the learned Judicial Magistrate. Though the complainant was present and the revision petitioner / accused was absent When the matter was posted for process neither the party nor the counsel was present and the process fee also not paid. Therefore, dismissed the petition for default. Though the reason appears to be genuine, however in order to give an opportunity, the learned Judicial Magistrate should have sent a final notice under Section 256 Cr.P.C., which is absent. Therefore, under these circumstances, the order dated 20.10.2017 passed by the learned Judicial Magistrate is set aside.

3.Accordingly, the Criminal Revision Case is allowed. Consequently, connected miscellaneous petition is closed. The revision petitioner is directed to pay the process fee on or before 10.12.2018 before the learned District Munsif cum Judicial Magistrate, Vendasandur. If he has paid the process fee, the learned Judicial Magistrate is directed to issue warrant in accordance with law. The complainant is directed to appear before the learned



Judicial Magistrate for every hearing, if he is not able to appear, he should ensure that whether his counsel continuously represents before the Court, if he fails to follow this case, the learned Judicial Magistrate can dispose the same in accordance with law.

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Sd/-

Assistant Registrar(AD-II)

Sub Assistant Registrar(CS-I)

To

1.The District Munsif cum Judicial Magistrate,
Vedasandur.

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

+1CC to Mr.S.Kameswaran, Advocate, SR.No. 97501

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28.11.2018

RM

ES/SKN/RSK/SAR 1/07.12.2018/2P/4C