



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.07.2019

CORAM:

THE HON'BLE MR.JUSTICE P.VELMURUGAN

Cr1.R.C.No.1193 of 2012

1.Dinakaran
2.Jayalakshmi
3.Ramadoss

... Petitioners/Accused

Vs.

Linda Cerlina @ Logeshwari

... Respondent/Complainant

Criminal Revision filed under Sections 397 and 401 Cr.P.C., praying to call for the entire records in connection with C.C.No.4447/2011 dated 08.06.2012 on the file of X Metropolitan Magistrate Court, Egmore, Chennai and set aside the same.

For Petitioner : Mr.E.Kannadasan

For respondents: Notice served No appearance

O R D E R

This Criminal Revision Case has been filed to set aside the judgment dated 08.06.2012 made in C.C.No.4447 of 2011 passed by the learned X Metropolitan Magistrate, Egmore, Chennai.

2. Heard the learned counsel appearing for the revision petitioner. Despite service of notice, none appeared on behalf of the respondent.

3. The respondent herein filed a petition under Sections 18, 19, 20 & 22 of Domestic Violence Act before the learned X Metropolitan Magistrate, Egmore, Chennai and the same was taken on file in C.C.No.4447 of 2011. Since the petitioners herein/respondents therein did not appear before the trial Court, ex-parte order was passed by the learned Magistrate on 08.06.2012. Challenging the said ex-parte order, the respondents therein filed the present revision before this Court. As per Section 29 of the Domestic Violence Act, the affected party can file an appeal before the jurisdictional Sessions Court.



4. In view of the above, this Criminal Revision Case is dismissed as not maintainable. On the part of the mistake committed by the counsel and Registry, the parties should not suffer. Therefore, the revision petitioners are at liberty to file an appeal before the jurisdictional Sessions Court and in case the petitioner file appeal before the Sessions Court, the period spent for this revision may be excluded for the purpose of limitation.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

KMI

To

The X Metropolitan Magistrate,
Egmore, Chennai.

+1cc to M/s.E.Kannadasan, Advocate Sr.58936

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srg 21/08/2019