

Bail Slip

The Appellants/ Petitioners/ Accused, namely M.Kalisamy S/o.late Munusamy was directed to be released on bail as per order the order of this Court dated 11.10.2012 in CRL MP.NO.1/12 IN CRL RC NO.1276/2012 on the file of this Hon'ble court.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2019

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THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.R.C.No.1276 of 2012

M.Kalisamy ... Petitioner/ Appellant
Accused

Vs

M.A.Lourduraj ... Respondent/ Respondent /
Complainant

Criminal Revision preferred under Section 397 read with 401 Cr.P.C. to set aside the judgment and order dated 03.09.2012 passed by the III Additional District and Sessions Judge, Coimbatore in C.A.No.160 of 2012 dismissing the appeal for default, which was filed challenging the judgment and order dated 15.05.2012 convicting and sentencing the accused, passed by the Judicial Magistrate, FTC at Magisterial Level-II, Coimbatore in C.C.No.259 of 2011.

For Petitioner : Mr.C.Devasigamani
For Respondent : Mr.U.Sriram
for Mr.M.Karuppaiah

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O R D E R

For the sake of convenience, the petitioner and the respondent will be referred to as accused and complainant respectively.

2.The complainant initiated a prosecution in C.C.No.259 of 2011 (C.C.No.282 of 2009 on the file of the Judicial Magistrate Court No.VI, Coimbatore) before the Judicial Magistrate, Fast Track Court at Magisterial

Level-II, Coimbatore, in which, the accused was convicted on 15.05.2012 of the offence under Section 138 of the Negotiable Instruments Act, 1881 and was sentenced to undergo six months simple imprisonment and fine of Rs.2,000/-, in default to undergo two months simple imprisonment. The appeal in C.A.No.160 of 2012 that was filed by the accused has been dismissed by the III Additional District and Sessions Court, Coimbatore for default on 03.09.2012, challenging which, the accused is before this Court.

3.Heard Mr.C.Devasigamani, learned counsel for the accused and Mr.U.Sriram, learned counsel representing Mr.M.Karuppaiah, learned counsel on record for the complainant.

4.This criminal revision deserves to be allowed on the short ground that an appeal under Section 374 Cr.P.C. has to be decided on merits and cannot be dismissed for default. Hence, the judgment and order dated 03.09.2012 passed by the III Additional District and Sessions Judge, Coimbatore is hereby set aside and the matter is remanded to the III Additional District and Sessions Court, for fresh disposal in accordance with law. The accused and the complainant shall appear before the III Additional District and Sessions Court, Coimbatore at 10.30 a.m. on 20.12.2019. The Registry is directed to transmit the original records to the III Additional District and Sessions Court, Coimbatore, forthwith.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

1.The III Additional District and Sessions Court,
Coimbatore.

2.The Judicial Magistrate Court,
FTC at Magisterial Level-II, Coimbatore.

3.The Deputy Registrar,
Criminal Side,
High Court, Madras.

+1cc to Mr. C.Devasigamani, Advocate SR.No. 93634

+1cc to Mr.K.Karupaih, Advocate SR.No. 93526(15/11/2019)

CRL.R.C.No.1276 of 2012

A.SK(13/11/2019)