



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.06.2019

CORAM:

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.R.C.No.569 of 2019
and Crl.M.P.No.7704 of 2019

Senthil Raja ... Petitioner/Accused

Vs.

State represented by
Inspector of Police,
Kangayam Police Station,
Tiruppur.

... Respondent/Complainant

Criminal Revision filed under Section 397 r/w 401 Cr.P.C.,
to set aside the judgment dated 06.08.2018 passed in
C.A.No.73 of 2018 on the file of the Principal Sessions Court,
Tiruppur.

For Petitioner : Mr.R.Thamaraiselvan

For Respondent : Mrs.P.Kritika Kamal
Government Advocate (Crl.Side)

ORDER

This criminal revision has been preferred seeking to set
aside the judgment dated 06.08.2018 passed in C.A.No.73 of
2018 on the file of the Principal Sessions Court, Tiruppur.

2. The petitioner faced prosecution in C.C.No.43 of 2017
before the Judicial Magistrate Court, Kangayam, for the offence
under Section 380 IPC and was convicted and sentenced on
15.12.2017. Challenging the conviction and sentence, the
petitioner filed an appeal in C.A.No.73 of 2018 before the
Principal Sessions Court, Tiruppur. When the matter was taken up
for final hearing, neither the petitioner nor his counsel was
present. Hence, the Sessions Court dismissed the appeal for
default on 06.08.2018, challenging which, the petitioner is
before this Court. It is reported that the petitioner is in
Judicial custody.



3. Heard Mr.R.Thamaraiselvan, learned counsel for the petitioner and Mrs.P.Kritika Kamal, learned Government Advocate (Crl.Side) for the respondent/State.

WEB COPY

4. In the opinion of this Court, this revision petition deserves to be allowed, on a short ground, that the Trial Court ought not to have dismissed the appeal for default and should have proceeded to dispose of the appeal, either by appointing an amicus curiae or by going through the records.

5. In the result, this petition is allowed and the judgment dated 06.08.2018 passed in C.A.No.73 of 2018 on the file of the Principal Sessions Court, Tiruppur, is set aside and the matter is remanded back to the Principal Sessions Court, Tiruppur, for disposal, in accordance with law. It is further directed that the petitioner shall engage an advocate before the Sessions Court and proceed with the appeal in C.A.No.73 of 2018, failing which, the learned Sessions Judge may proceed to dispose of the appeal by appointing a legal aid counsel or after going through the records.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

nsd
To

1. The Principal Sessions Judge,
Tiruppur.
2. The Judicial Magistrate,
Kangayam.
3. The Inspector of Police,
Kangayam Police Station,
Tiruppur.
4. The Public Prosecutor,
High Court, Madras.

+1cc to M/s.R.Thamaraiselvan, Advocate Sr.49797

Crl.R.C.No.529 of 2019

ln[co]
srg 15/07/2019