



WEB

Bail Slip

The Appellants / Accused Namely, Adam S/o.Beer Muhammed (A1) Madhar Beevi W/o Bear Muhammed (A2) were directed to be released on bail as per order of this court dated 18.07.2017 in made in CrI.MP.8611/2017 in CrI RC.913/2017.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

CrI.R.C.No.913 of 2017

1. Adam
2. Madhar Beevi ... Petitioners

.. Vs ..

The State of Tamil Nadu
Rep.by the Sub-Inspector of Police,
All Women Police Station,
Vandavasi,
Tiruvannamalai District
Crime No.06/2002

....Respondent

Prayer :- Criminal Revision filed under Sections 397 and 401 of the Criminal Procedure Code, to call for the records relating to judgment dated 07.11.2016 passed in C.A.No.70 of 2006 on the file of the Sessions Judge, Tiruvannamalai in confirming order dated 14.06.2006 passed in C.C.No.323 of 2002 on the file of the Principal District Munsif cum Judicial Magistrate, Vandavasi, set aside the same.

For Petitioner : Mr.P.Mani

For Respondent : Mr.R.Vinoth Raja
Government Advocate (CrI.Side)

O R D E R

The appellants are the convicted accused in C.C.No.323 of 2002 for alleged offences under Section 498 (A) I.P.C and Section 47 of the Dowry Prohibition Act.

2. When the matter was listed for hearing, the learned counsel for the appellant is not present and hence the learned



Session Judge, Thiruvannamalai has chosen to dispose of it on hearing the learned Public Prosecutor (Crl.Side) alone. The said order is under challenge in this revision.

3. After hearing the learned counsel for the appellant and the learned Government Advocate (Crl.Side), it is trite in law that in the criminal appeal, wherein the appellant was convicted and sentenced for an offence, the same cannot be disposed of without giving an opportunity to the appellant.

4. In the event of an appellant's counsel not coming forward to argue the case, the Court has to appoint Legal-Aid-Advocate and to hear him and thereafter dispose of the matter in accordance with law and hence in view of the above settled preposition of law, I am inclined to allow the Criminal Revision.

5. The conviction and sentence passed in Crl.A.No.70 of 2006 is hereby set aside and the matter is remitted back to the learned Principal Session Judge, Thiruvannamalai to deal with the matter in accordance with law.

6. If any event of the appellant's counsel not being represented, as observed earlier, a Legal-Aid-Advocate of suitable experience in the criminal side, be appointed as Legal-Aid-Advocate to the accused and the appeal be disposed of on merits by the Sessions Court.

7. With these observations, this Criminal Revision is allowed and the Registry is directed to send back the papers to the learned Principal Session Judge, Thiruvannamalai, within a period of four weeks from the date of receipt of a copy of this order and the learned Principal Session Judge, after observing the formalities, shall hear and dispose of the criminal appeal within a period of 12 weeks thereafter.

Sd/-
Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Sessions Judge,
Tiruvannamalai
- 2.The Principal District Munsif
cum Judicial Magistrate,
Vandavasi.



3. The Chief Judicial Magistrate,
Thiruvannamalai (For Information)

4. The Superintendent,
Central Prison, Vellore.

5. The Superintendent,
Special Prison for women, Vellore.

6. The Sub-Inspector of Police,
All Women Police Station,
Vandavasi,
Tiruvannamalai District.

7. The Public Prosecutor,
High Court of Madras,
Madras.

Copy To:

The Section Officer,
Criminal Section, (Records)
High Court, Madras.

+1cc to Mr.P.Mani Advocate, S.R.No.38749

Cr1.R.C.No.913 of 2017

LN(CO)
SB(27/08/2021)