



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

Tuesday, the Tenth day of August Two Thousand and Twenty One

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP(MD) . No.5684 of 2021
in
Crl A(MD) .No.68 of 2015

A.Prudence ... Petitioner/Appellant

Vs

Xavier D Cruz

... Respondent/Respondent

Prayer :-

This Petition filed under section 482 of Crl.P.C to impose a default sentence in the Judgment dt.23.3.2020 in Crl.A.(MD).No.68 of 2015 on the file of this Honble Court.

Prayer in CRL A(MD) . 68/ 2015 :

Criminal Appeal filed under section 378 of the Criminal Procedure code against the order of acquittal by the Sessions Judge, Nagercoil in C.A.No.85 of 2011 dated 01.01.2014, reversing the judgment of the Judicial Magistrate No.1 Nagercoil passed in C.C.No.21 of 2005 dated 18.08.2011.

ORDER:- This Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Thiru.P.Santhana Krishnan, Advocate for the Petitioner and of Thiru.G.Kannan, Legal Aid Counsel for the respondent, this Court made the following order:

This Criminal Miscellaneous Petition is filed to impose a default sentence in the judgment, dated 23.03.2020 in Crl.A(MD)No.68 of 2015 on the file of this Court.

2.It is seen from the records that this court, by judgment, dated 23.03.2020 partly allowed the criminal appeal, by setting aside the punishment imposed by the trial court under section 138 of Negotiable Instruments Act and raised the compensation awarded by the trial court to the tune of Rs.4,00,000/- and subsequently, the case was posted for "Reporting Compliance."

3.Today when the matter is taken up, the learned counsel appearing for the complainant submitted that in-spite of giving sufficient time, the respondent/accused has not complied the order of this court, dated 23.03.2020.



4. In view of that, the order passed by this Court, on 23.03.2020 allowing the criminal appeal in part is recalled and the judgment passed by the trial court is restored. It is open to the complainant to take further course of action against the respondent/accused in the manner known law.

5. Accordingly, this Criminal Miscellaneous Petition is ordered.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Er

Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/ litigant concerned.

To

1. The Judicial Magistrate No.1, Nagercoil

2. The Sessions Judge, Nagercoil

ORDER DATED : 10/08/2021

=====
ORDER
=====

CRL MP(MD) . No.5684 of 2021
in
Crl A(MD) . No.68 of 2015

Giving direction and etc.
as stated within.

RD(24.09.2021) 2P 3C