



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

Monday, the Twentieth day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP (MD) . No.7238 of 2021
in
CRL.OP (MD) .No.9604 2021

T.Jegadeesan ... Petitioner/Petitioner

Vs

1 The Inspector of Police
District Crime Branch Theni District.

2 A.Jeganathan ... Respondents/Respondents

Prayer :-

Petition filed under Section 482 of Criminal Procedure Code to restore the Crl.O.P.(MD).No. 9604 of 2021 dated 27/08/2021.

Prayer in CRL.OP(MD).No. 9604 of 2021:

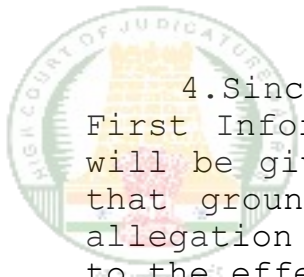
Petition is filed under Section 482 of Criminal Procedure Code, to call for the records relating to the FIR in Crime No. 6 of 2021 dated 25.02.2021 on the file of the 1st respondent police .

ORDER:- This Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon perusing the earlier order dated 27.08.2021 and upon hearing the arguments of Thiru.S.Saravanakumar, Advocate for the Petitioner and of Thiru.K.Sanjai Gandhi, Government Advocate(Criminal Side, for the 1st Respondent, this Court made the following Order:-

This petition is filed seeking to restore Crl.O.P(MD).No. 9604 of 2021, which was dismissed for default on 27.08.2021.

2.The learned counsel for the petitioner submits that due to connectivity problem, he is not able to appear before the court.

3.However, it is seen that on 29/7/2021, there was no representation for the petitioner. The learned counsel for the second respondent is present and made his submissions. It was also submitted that on the previous day the petitioner was remanded to custody. On that Ground, the matter was directed to be listed on 27.08.2021 for dismissal. On that day also, there was no representation for the petitioner. Therefore, the matter was dismissed for default.



4. Since the petition has been filed seeking quashment of the First Information Report in Crime No. 6 of 2021, final opportunity will be given to the petitioner to argue the matter on merits. On that ground, this petition is liable to be dismissed and serious allegation has been made by the learned counsel for the respondent to the effect that the petitioner is having 5 previous cases.

5. Post the matter on 01.11.2021 for final disposal.

Sd/-

Assistant Registrar (co)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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 Inspector of Police,
District Crime Branch,
Theni District.

2. The Government Advocate (Criminal Side),
Madurai Bench of Madras High Court,
Madurai.

3. The Section Officer, Criminal Section
Madurai Bench of Madras High Court, Madurai

ORDER DATED : 20/09/2021
Next Hearing : 01.11.2021

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ORDER

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CRL MP (MD) . No.7238 of 2021
in

CRL.OP (MD) .No.9604 2021

Allowing this petition and
giving direction etc.

As stated within.

KB(30.09.2021) 2P 4C