



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP
Crl.A.(MD) No.150 of 2016

Palani

... Appellant

vs.

State

The Inspector of Police,
Kundrakudi Police Station,
Sivagangai District.

... Respondent

PRAYER:- This Appeal filed under Section 374 of the Code of Criminal Procedure, to set aside the order passed by the District Fast Track Mahila Court, Sivagangai in S.C.No.118 of 2010 dated 03.02.2016.

For Appellant : No appearance
For Respondent : Mr.T.Senthil Kumar
Government Advocate (Crl.Side)

JUDGMENT

When the case came up for hearing on 30.03.2021, the then learned Single Judge of this Court, Honourable Mr.JUSTICE K.MURALI SHANKAR ordered notice to the appellant in this appeal stating that the learned counsel on record had withdrawn his memo of appearance and the memo was also recorded. Therefore, the learned Single Judge had ordered notice and the case was directed to be listed on 26.04.2021.

2.On 26.04.2021, it is found that service of notice was awaited and till then, notice was not served. Therefore, fresh notice was issued to the appellant/accused and the case was directed to be listed on today, 20.07.2021. Today, 20.07.2021, it was found that the accused had vacated his premises and he was not available in the address mentioned in the records. Therefore, Registry has put up a note for further orders.

3.It is found from the records available before this Court that the case arose out of the conviction by the Court of the learned District Fast Track Mahila Judge, Sivagangai in S.C.No.118 of 2010 dated 03.02.2016. Therefore, the learned trial Judge/the District Fast Track Mahila Judge, Sivagangai is directed to issue warrant to the Inspector of Police, Kundrakudi Police Station, Sivagangai District, to secure the appellant/accused to undergo rigorous



imprisonment for a period of 5 years and to pay a fine of Rs.3,000/-, in default, to undergo rigorous imprisonment for a period of 6 months for the offence under Section 306 of IPC, only then this appeal can be taken up.

4.In view of the above, this appeal is dismissed. Only on appearance of the accused, this appeal can be restored.

Sd/-

Assistant Registrar (CS-II)

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/ /2021

Sub Assistant Registrar(CS)

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To

- 1.The Judge,
District Fast Track Mahila Court
Sivagangai.
- 2.The Inspector of Police,
Kundrakudi Police Station,
Sivagangai District.
- 3.Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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KMK (CO)

LR (04.08.2021) 2P 4C