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Crl.O.P.No.5849 of 2022

Crl.O.P.No.5849 of 2022
in
Crl.A.SR.No.45824 of 2021

R.PONGIAPPAN, J.

This petition has been filed praying to grant leave to file an appeal against the order dated 22.10.2021 passed in CC.No.944 of 2019 on the file of the learned Judicial Magistrate No.III, Coimbatore.

2. Heard, the learned counsel appearing for the petitioner.

3. On verifying the impugned order, the same would appear for the absence of complainant, the case filed by the petitioner was dismissed and ultimately the accused is acquitted. In the impugned order, the learned Judicial Magistrate did not say about the number of hearing on which the petitioner is not appeared. Therefore, it would necessary to see whether the petitioner regularly not appeared before the trial court or not. Since entire nation was affected due to covid-19, it would necessary to see whether sufficient opportunity was given to the petitioner or not.



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4. Having heard the counsel and perused the materials available on record, this Court is of the opinion that the petitioner shown a *prima facie* case for filing an appeal.

5. Accordingly, leave is granted and this criminal original petition is allowed.

15.03.2022

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Note: Registry is directed to number the appeal, if it is otherwise in order.



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