



Crl.R.C.No.1375 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.10.2022

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.R.C.No.1375 of 2022

T.Arulmozhi

...Petitioner

-Vs-

The State represented by

1. The Inspector of Police,
Town East Circle Police Station, Pollachi.
2. Kamatchi
3. Ravichandran
4. Nataraj Gounder
5. Jayagowri @ Gowri
6. Vigneshwara Muthukumar @ Vignesh
7. Girivasu @ Giri
8. S.S.Rangasamy Chettiar
9. Subramaniam @ Poosari Subramaniam
10. Ponraj
11. Maheswari
12. Abdul Nazar
13. Palaniselvam @ Panner
14. Arumugam
15. Dhandapani
16. Shanmugavel @ Kannan

...Respondents

This Criminal Revision Case is filed under Section 397 r/w 401 Cr.P.C. praying to set aside the order dated 22.08.2022 made in Crl.M.P.No.129 of 2021 in S.C.No.11 of 2012 on the file of the Subordinate Court, Pollachi.



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For Petitioner : Mr.M.Guruprasad
For Respondents : Mr.S.Sugendran,
Additional Public Prosecutor for R1
Mr.I.Abrar Mohamed Abdullah
for R2, R3, R6 and R8 to R16

ORDER

The revision petitioner filed a protest petition before the learned Assistant Sessions Judge, Pollachi, where the case in S.C.No.11 of 2012 is pending. On 28.03.2022, the matter was posted for counter by the Government Pleader and the respondents have filed their counter on that day itself. Thereafter on 04.07.2022 the matter was adjourned by 22.08.2022 for reply and on 22.08.2022, since the petitioner did not appear, the Court below dismissed the protest petition for default. Therefore, the petitioner is before this Court with the present criminal revision case.

2 It is seen that the Court below dismissed the protest petition for non appearance of the petitioner on the date of hearing. Before dismissing the petition, the Court below should have caused final notice on the protest petitioner and without giving any opportunity, the learned Assistant Sessions



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Judge dismissed the protest petition for non appearance of the petitioner on the date of hearing. Therefore, without expressing any of the views on the merits of the case, this Court is inclined to set aside the order passed by the learned Assistant Sessions Judge.

3 Accordingly, the impugned order dated 22.08.2022 made in Crl.M.P.No.129 of 2021 in S.C.No.11 of 2012 by the learned Assistant Sessions Judge, Subordinate Court, Pollachi, is hereby set aside and the matter is remanded back to the Court below and the learned Assistant Sessions Judge, Subordinate Court, Pollachi, is directed to decide the protest petition on merits after affording opportunity to both the parties within a month from the date of receipt of a copy of this order and file a report before this Court. Both the parties are directed to extend their fullest co-operation to dispose of the protest petition.

27.10.2022

Index : Yes/No
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To

1. The Assistant Sessions Judge, Subordinate Court, Pollachi.
2. The Inspector of Police, Town East Circle Police Station, Pollachi.

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P.VELMURUGAN, J.,

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