



WEB COPY



Crl.O.P.No.28167 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.12.2022

CORAM:

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.28167 of 2022

Dharman

...

Petitioner

Vs.

The State,

Represented by Inspector of Police,

Thiruchengodu Police Station,

Namakkal District,

Crime No.436/2021

...

Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to set aside the docket order in Crl.R.C.No.30 of 2022 dated 22.08.2022 on the file of the Principal District Sessions Judge, Namakkal and to return the original RC book of the vehicle bearing registration No.TN 52 F 9987.

For Petitioner : Ms.S.Harshitha

For Respondent : Mr.S.Santhosh

Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition is filed to set aside the docket order in Crl.R.C.No.30 of 2022 dated 22.08.2022, on the file of the Principal District Sessions Judge, Namakkal and to return the original RC book of the vehicle bearing registration No.TN 52 F 9987.

2.The learned counsel for the petitioner submitted that the petitioner



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filed Crl.R.C.No.30 of 2022, dated 22.08.2022, before the learned Principal District Sessions Judge, Namakkal, against the order passed by the learned Judicial Magistrate, Tiruchengode, in C.M.P.No.1158 of 2022 in S.T.C.No.529 of 2022. It is further submitted that the petitioner's counsel made his submissions on 17.08.2022 and the matter was adjourned to 22.08.2022 for the submissions of the learned counsel for the respondent. On 22.08.2022, the petition was dismissed for non appearance of the petitioner. When the petitioner's counsel had already made submissions, the learned Principal District Sessions Judge should have heard the submissions of the respondent and passed orders on merits. Therefore, the dismissal of the petition for non appearance of the petitioner is not proper and appropriate.

3.Perused the records. This Court finds from the adjudication order in Crl.R.C.No.30 of 2022 that the petitioner's side was heard on 17.08.2022 and the case was adjourned to 22.08.2022 for the submissions of the respondent. When it was posted for respondent's submission on 22.08.2022, it appears that there was no representation for the petitioner and therefore, the petition was dismissed. This order apparently on the face of the record is not appropriate and legal. The petitioner was already heard on 17.08.2022. The



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case was adjourned to 22.08.2022 only after hearing the submissions of the respondent. There is no indication as to whether the respondent's submission was made on that date. When the petitioner had already made his submission, dismissal of the petition for non appearance of the petitioner on 22.08.2022 is not legal and therefore, it is liable to be set aside and accordingly set aside.

4.The learned Principal District Sessions, Judge, Namakkal, is directed to again hear both the petitioner and the respondent and pass orders on merits in the manner known to law within a period of two weeks from the date of receipt of a copy of this order.

5.With the above directions, this Criminal Original Petition is disposed of.

09.12.2022

sli
Internet:Yes
Index:Yes/No
Speaking/Non speaking order

To:

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- 1.The Inspector of Police,
Thiruchengodu Police Station,
Namakkal District,
Crime No.436/2021.
- 2.The Principal District Sessions, Judge,
Namakkal.
- 3.The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN, J.
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