



WEB COPY



Crl.R.C.Nos.294 & 295 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.08.2022

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.R.C.No.294 of 2020 and Crl.MP.Nos.2187, 2189 & 2225 of 2020
&
Crl.R.C.No.295 of 2020 and Crl.MP.Nos.2194 & 2195 of 2020

In Crl.R.C.No.294 of 2020 :

1.M/s.Padmavathi Agencies,
16, Rangar Sannadhi Street,
Now situated at 6/76, Line Street,
Namakkal Town,
Namakkal District.

2.S.Sekaran

3.Amsaveni

4.Karthik

... Petitioners

Versus

M.Parbakaran

... Respondent

In Crl.R.C.No.295 of 2020 :

S.Sekaran

... Petitioner

Versus

T.Subramanian

... Respondent



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Prayer in Crl.R.C.No.294 of 2020: Criminal Revision Case filed under Section 397 r/w 401 of the Code of Criminal Procedure, to set aside the conviction and sentence imposed on him, dated 13.06.2019 made in C.A.No.32 of 2017, on the file of the Learned Principal Sessions Judge, Namakkal, reversing the conviction and sentence imposed on him, dated 12.03.2010 made in S.T.C.No.515 of 2009, on the file of the Judicial Magistrate No.I, Namakkal, by allowing the present Criminal Revision Case.

Prayer in Crl.R.C.No.295 of 2020: Criminal Revision Case filed under Section 397 r/w 401 of the Code of Criminal Procedure, to set aside the conviction and sentence imposed on him, dated 13.06.2019 made in C.A.No.25 of 2017, on the file of the Learned Principal Sessions Judge, Namakkal, reversing the conviction and sentence imposed on him, dated 22.03.2010 made in S.T.C.No.866 of 2009, on the file of the Judicial Magistrate No.I, Namakkal, by allowing the present Criminal Revision Case.

For Petitioner (s) : Mr.B.Kumarasamy

For Respondent : Mr.T.Senthil Kumar

ORDER

These two matters are covered by the Full Bench Judgment of this Court in ***K.Rajalingam Vs. Suganthalakshmi***¹. This Court had earlier

¹ 2020 SCC Online MAD 1052
<https://www.mhc.tn.gov.in/judis>



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passed an order dated 08.08.2022, and directed the respondent/complainant to file transpose application, and in the absence of filing of transpose application, the Criminal Revisions will be closed with liberty to file a fresh appeal against the acquittal.

2.Today, when the matter came up for hearing, there is no representation on behalf of the respondent/complainant.

3.The learned counsel for the petitioner would submit that in this case, pending these revisions, the amounts have also been paid to the respondent/complainant and the matter is settled out of the Court and only because of the same, the respondent/complainant has not filed any transpose application by transposing himself as appellant.

4.Noting the above, it is made clear that the Judgment dated 13.06.2019 in C.A.No.25 of 2017 and C.A.No.32 pf 2017 respectively, on the file of the Learned Principal Sessions Judge, Namakkal, are held to be “*non est*” in the eye of law, accordingly, these revisions are ordered to be closed.



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5.However, the respondent/complainant will be at liberty to file an appeal against acquittal, if the amounts have not been settled out of the Court. Accordingly, the Criminal Revision Cases are closed. Consequently, the connected miscellaneous petitions are closed.

23.08.2022

Index : yes/no

Speaking/Non-speaking order

klt

To

1.The Principal Sessions Court, Namakkal.

2.The Judicial Magistrate No.I, Namakkal.



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D.BHARATHA CHAKRAVARTHY, J.

klt

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