



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Civil Appellate Jurisdiction

Wednesday, the Sixteenth day of March Two Thousand
and Twenty Two

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD)No.3384 of 2022
in
CRL RC(MD)No.142 of 2014

R.Chandrasekaran

... Petitioner/Petitioner/
Appellant/Sole Accused

Vs

State Rep. By
The Inspector of Police,
Traffic Police Station,
Trichy District,
(Crime No.32/2010)

... Respondent/Respondent/
Respondent/Complainant

Prayer in Crl.MP(MD)No.3384 of 2022 :- Criminal Miscellaneous Petition filed under Section 482 of Cr.P.C., to restore the Crl.RC (MD)No.142/2014 by setting aside the order of dismissal for non prosecution dt.18/06/2019 before this Honble Court.

Prayer in Crl.RC(M)NO.142 of 2014:- This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records pertaining Judgment and conviction passed by the learned I Additional District Judge (PCR), Thiruchirappalli, in C.A.No.16 of 2013 dated 10.09.2013 confirming the Judgment and conviction passed by the learned Judicial Magistrate No.V, Thiruchirappalli District in C.C.No.61 of 2010 dated 23.04.2013 convicting the petitioner for the alleged offence under Section 304 (A) of IPC and sentenced to undergo one year simple imprisonment and to pay a fine of Rs.2,000/- and in default to undergo one month simple imprisonment and set aside the same.

ORDER:- This Criminal Miscellaneous Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of A.Zubaitha Babu, Advocate for the Petitioner and of Mr.M.Vaikkam Karunanithi, Government Advocate for the Respondent, this Court made the following order:-



Heard the learned counsel for the petitioner as well as the learned Government Advocate (Criminal Side).

2.It is evident from the records that the petitioner has filed an application in Crl.MP(MD) No.2493 of 2022 for condoning the delay of 242 days for filing the application to restore the Crl.RC (MD)No.142 of 2014, which was dismissed on 18.06.2019 and this Court vide order dated 17.02.2022, directed the petitioner to deposit a sum of Rs.5,000/- to the Madurai Bench of Madras High Court Advocates Welfare Fund, within a period of two weeks from the date of receipt of copy of that order.

3.The learned counsel for the petitioner would submit that in pursuance of the directions of this Court, he has deposited the amount and filed a cost memo along with challan.

4.Considering the above and also the reasons stated in the affidavit filed in support of the petition, this Court is inclined to allow the petition.

5.Accordingly, the Criminal Miscellaneous Petition is allowed. The Registry is directed to restore the revision in Crl.RC (MD)No.142 of 2014 and list the same in the usual course.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1.The I Additional District Judge(PCR),
Thiruchirappalli.

2.The Judicial Magistrate No.V,
Thiruchirappalli District.

3.The Chief Judicial Magistrate,
Trichy.



4.The The Inspector of Police
Traffic Police Station,
Thiruchirappalli District.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to:

The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court,
Madurai.

ORDER DATED : 16/03/2022

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ORDER
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CRL MP(MD)No.3384 of 2022
in
CRL RC(MD)No.142 of 2014

Giving direction and etc.
as stated within.

KS (CO)
TR(22.03.2022) 3P 7C