



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.04.2022

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.R.C. (MD)No.337 of 2022

WEB COPY

F.Thompson Britto

... Petitioner/Petitioner

Vs

1. Yesudasan

2. Mary Angeli

3. Maria Vijayan

... Respondents/Respondents

Prayer: This Criminal Revision Case filed under Section 397 r/w 401 Cr.P.C. to call for the records pertaining to the impugned order dated 28.12.2020 passed in Cr.M.P.No.2797/2019 on the file of the learned Judicial Magistrate No.II, Kuzhithurai and to set aside the same and to direct the Learned Judicial Magistrate to take the petition on file and pass appropriate orders in the Crl.M.P No.2797 of 2019.

For Petitioner : Mr.M.R.Seenivasan

O R D E R

This Criminal Revision Case has been filed challenging the impugned order dated 28.12.2020 passed in Cr.M.P.No.2797 of 2019, on the file of the learned Judicial Magistrate No.II, Kuzhithurai, thereby, dismissing the petition seeking for direction under Section 156(3) of Cr.P.C, for non-prosecution.

2.The learned counsel for the petitioner submitted that the petitioner is working in Ship and as such, he could not be able to appear before the trial Court, During the COVID-19 pandemic period, the learned Judicial Magistrate ought not to have dismissed the petition and should have given a fair opportunity to the petitioner.

3.Considering the above, the petitioner may be given one more opportunity, to appear before the trial Court.

4.Accordingly, this Criminal Revision Case is allowed and the impugned order dated 28.12.2020 passed in Cr.M.P.No.2797 of 2019, on the file of the learned Judicial Magistrate No.II, Kuzhithurai is hereby set aside.

5.The learned Judicial Magistrate, Kulithurai is directed to restore the petition filed by the petitioner to file and on appearance of the petitioner before the Court below on 25.04.2022,



the learned Judicial Magistrate is directed to pass appropriate orders on merits.

Sd/-

Assistant Registrar (CS-I)

WEB COPY

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

PNM

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 Judicial Magistrate No.II, Kuzhithurai.
2. 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.

+1 CC to M/s.M.R.SREENIVASAN, Advocate (SR-16401[F] dated 04/04/2022)

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04.04.2022

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