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Crl.OP.No.1363 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.1363 of 2023

Mannu @ Ram Kumar

... Petitioner

Vs.

1.The Executive Magistrate-cum
Deputy Commissioner of Police,
Pulianthope District,
Chennai – 600 012.

2.The Inspector of Police (L&O),
P-1, Pulianthope Police Station,
Chennai – 600 012.

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records relating to the orders made in Crl.R.C.No.9 of 2023 dated 06.01.2023 on the file of learned Principal Sessions Judge, Chennai District and set-aside the same and restore the Crl.R.C.No.9 of 2023 for fresh disposal on merits by way of allowing the Criminal Original Petition.

For Petitioner : Mr.C.V.Kumar

For Respondents : Mr.S.Santhosh
Government Advocate (Criminal Side)

ORDER



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This Criminal Original Petition is filed to set aside the orders made in Crl.R.C.No.9 of 2023 dated 06.01.2023, on the file of learned Principal Sessions Judge, Chennai District and restore the Crl.R.C.No.9 of 2023 for fresh disposal.

2. The learned counsel for the petitioner submitted that the petition filed in Crl.R.C.No.9 of 2023 against the detention of the order passed by the Executive Magistrate cum Deputy Commissioner of Police, Pulianthope District, Chennai in M.P.No.40 of 2022 in C.No.242/DCP(P)/Camp/Sec/Pro/2022 dated 12.12.2022.

3. When the petition came up for hearing on 06.01.2023, unfortunately, there was no representation from the learned counsel for the petitioner. Therefore, the petition was dismissed for default. Challenging the dismissal order, this petition is filed.

4.It is submitted that the learned counsel for the petitioner met with an accident and therefore, he was not able to present before the Court.

5. Considering the reasons stated by the learned counsel for the petitioner for the non-appearance of petitioner's counsel on 06.01.2023, this Court, in order



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to give one more opportunity to present his case before the learned Principal Sessions Judge, Chennai District, against the detention order passed by the Executive Magistrate cum Deputy Commissioner of Police, Pulianthope District, Chennai, is of the view that the order of dismissal has to be set aside and accordingly, set aside. The learned Principal Sessions Judge, Chennai District is directed to restore Crl.R.C.No.9 of 2023 in file and hear the learned counsel for the petitioner and respondent and dispose the petition on merits and in accordance with law as early as possible.

6. In such view of the matter, this Criminal Original Petition is disposed of, with the aforesaid direction.

24.01.2023

Internet : Yes / No

Index : Yes / No

Speaking/Non speaking order

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Note: Issue order copy on 25.01.2023.

G.CHANDRASEKHARAN,J.

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To

- 1.The Principal Sessions Judge, Chennai District
- 2.The Executive Magistrate-cum
Deputy Commissioner of Police,
Pulianthope District,
Chennai – 600 012.
- 3.The Inspector of Police (L&O),
P-1, Pulianthope Police Station,
Chennai – 600 012.
- 4.The Public Prosecutor,
Madras High Court.

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24.01.2023

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