



Crl.O.P.(MD)No.6935 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **13.06.2023**

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CORAM:

THE HONOURABLE MR. JUSTICE **G.ILANGO VAN**

Crl.O.P.(MD) No.6935 of 2023
and Crl.M.P.(MD)No.6009 of 2023

Manivanan

... Petitioner

Vs.

S.Sangiah

... Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to set aside the docket order and to direct the Principal District Judge, Thoothukudi, to take the Memorandum of Appeal filed by the petitioner against the conviction judgment, dated 14.02.2023, made in C.C.No. 16 of 2016 on the file of the Fast Track Court (Magistrate Level), Kovilpatti.

For Petitioner : Mr.J.Maheshkumar

ORDER

This petition is filed to quash the docket order and to direct the Principal District Judge, Thoothukudi, to take the Memorandum of Appeal filed by the petitioner against the conviction judgment, dated 14.02.2023, made in C.C.No. 16 of 2016 on the file of the Fast Track Court (Magistrate Level), Kovilpatti.



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Crl.O.P.(MD)No.6935 of 2023

2. This petitioner was convicted and sentenced by the trial Court under Section 138 of the Negotiable Instruments Act, by judgment dated 14.02.2023, against which, the petitioner preferred an Appeal before the Appellate Court, viz., Principal District Judge, Thoothukudi, finding that in the copy of the judgment, there was some clerical mistakes, omission of certain pages, it was not entertained and Appeal Memorandum was returned. With the above said return and re-submission continued for some time. Finally, challenging the above said return endorsement, this Petition has been filed on the ground that the clerical mistakes may not be taken into account by the Appellate Court, while processing the Appeal Memorandum. Another ground is that the missing of the pages in the judgment is not the fault on the part of the petitioner and it is on the part of the trial Court and he cannot be directed to approach the trial Court for rectifying all the defects. Finding that there were errors and defects incorporating after delivering the judgment, a report has been called for from the Fast Track Court (Magistrate Level), Kovilpatti and a report has been submitted stating that by mistake the date of judgment has been mentioned as 14.01.2023, but, the actual judgment date is 14.02.2023. Similarly, with regard to the missing of page No.3, it has been stated that by mistake in Page No.3, Page



No.4 has been printed repeatedly. So, there shall be a direction to the trial Court immediately to supply another fresh copy to the petitioner by rectifying all the defects that have been mentioned. The above said supply of the copy must be made within a week from the date of receipt of copy of this order.

3. The intimation must be given either to the petitioner or the counsel. After receiving the copy of the judgment, let the above said Memorandum be represented by the petitioner before the Principal District Judge, Thoothukudi, within a week thereafter. On being represented by the petitioner, the Principal District Judge, Thoothukudi, is directed to process the Appeal Memorandum, without returning the same citing the limitation issue or other defects.

4. In the meantime, the Registry is directed to return the original Memorandum of Appeal to the Counsel for the petitioner after due acknowledgment from the counsel for the petitioner.



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Crl.O.P.(MD)No.6935 of 2023

5. With the above directions, this Criminal Original Petition is disposed of. Consequently, connected Miscellaneous Petition is closed.

NCC : Yes/No

Index : Yes/No

Ls

13.06.2023

Note: Issue order copy on 14.06.2023

To

- 1.The Principal District Judge,
Thoothukudi.
- 2.The Fast Track Court (Magistrate Level),
Kovilpatti.
- 3.The Section Officer, Criminal Section,
Madurai Bench of Madras High Court,
Madurai.



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CrI.O.P.(MD)No.6935 of 2023



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Crl.O.P.(MD)No.6935 of 2023

G.ILANGOVA. J.

Ls

Crl.O.P.(MD)No.6935 of 2023

13.06.2023