



Crl.O.P.(MD).No.10529 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.06.2023

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

Crl.O.P.(MD).No.10529 of 2023 and
Crl.M.P.(MD). No.8349 of 2023

A. Anu

... Petitioner

Vs.

V. Jeganathan

...Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to Call for the entire records relating to the Docket order passed by the learned Principal District and Sessions Judge Thanjavur in C.A.No unnumbered of 2023 dated 05.04.2023 and set aside the same as illegal and further directing the Learned Principal District and Sessions Judge Thanjavur to take the Appeal on file filed by the Petitioner under section 374(3) Cr.P.C and Proceed the same in accordance with law .



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For Petitioner : Mr.R. Maheswaran

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ORDER

This criminal original petition has been filed seeking to Call for the entire records relating to the Docket order passed by the learned Principal District and Sessions Judge, Thanjavur in C.A.No unnumbered of 2023 dated 05.04.2023 and set aside the same as illegal and further directing the Learned Principal District and Sessions Judge Thanjavur to take the Appeal on file filed by the Petitioner under section 374(3) Cr.P.C and Proceed the same in accordance with law.

2.This petition has been filed by the petitioner before this Court on the ground that the matter was settled between the parties. After the disposal of the case by the trial Court, he has filed appeal before the appellate Court namely Principal District and Sessions Judge, Thanjavur. That appeal memorandum was returned by the trail Court, stating that on the date of Judgment before the trial Court, since he was not present, warrant was issued by the order dated 08.02.2023. Now the grievance is that since he has already settled the issue with the complainant, direction may be issued to the appellate Court to consider and number the appeal



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memorandum without insisting upon the recalling the warrant.

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3.Let the petitioner file an affidavit before the appellate Court stating that the matter has been compromised between the parties. On filing of the affidavit, the above said appeal memorandum be processed by the Principal District and Sessions Judge, without insisting upon the suspension of sentence and for recalling the warrant. Further, on condition that they must bring the complainant also for recording the compromise before the appellate Court by fixing particular date.

4.With the above said directions, this criminal original petition stands disposed of. Consequently, connected miscellaneous petition is closed.

15.06.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
TM

To

1.The Principal District and Sessions Judge, Thanjavur.

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G.ILANGO VAN,J.

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