



Crl.O.P.(MD) No.18404 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.10.2023

CORAM:

THE HONOURABLE MR. JUSTICE G.ILANGO VAN

Crl.O.P.(MD) No.18404 of 2023
and Crl.M.P(MD)No.14530 of 2023

Ramasubramanian

... Petitioner

Vs

Ashokkumar

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying this Court to issue appropriate direction for setting aside the docket order made by the Principal District and Sessions Judge, Tuticorin, dated 13.07.2023 on the unnumbered Criminal Appeal in filing No.4590/2023 on the file of the Principal Sessions Judge, Tuticorin and to direct the appellate Court (Principal District and Sessions Judge, Tuticorin) to take the Criminal Appeal on the file along with the suspension of sentence application and consider the same on merits in accordance with law.

For Petitioner : Mr. G.Mariappan



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ORDER

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This Criminal Original Petition has been filed to issue appropriate direction for setting aside the docket order made by the Principal District and Sessions Judge, Tuticorin, dated 13.07.2023 on the unnumbered Criminal Appeal in filing No.4590/2023 on the file of the Principal Sessions Judge, Tuticorin and to direct the appellate Court (Principal District and Sessions Judge, Tuticorin) to take the Criminal Appeal on the file along with the suspension of sentence application and consider the same on merits in accordance with law.

2.When the matter was taken up for hearing, the learned counsel for the petitioner submitted that on the date of Judgment in S.T.C.No.488 of 2018, on the file of Judicial Magistrate, Tiruchendur, the petitioner was remained absent and filed petition under Section 309 of Cr.P.C. The same was dismissed by the learned Judge and Judgment was pronounced by convicting and sentencing the petitioner to undergo 6 months Simple Imprisonment and to pay compensation of Rs.15 lakhs. Against which, the petitioner preferred an appeal before the appellate Court along with the on-line Judgment copy and the same was not entertained by the appellate Court. Now, the petitioner



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settled the dispute with the respondent. Hence, this petition seeking indulgence of this Court to issue direction to the trial Court to issue certified copy of the Judgment to the petitioner.

3.Since the petitioner was absent on the date of Judgment, he was not entitled for the certified copy of the Judgment is not correct. The petitioner has every right to know the reasons for the conviction and sentence imposed against him. His right cannot be denied by the trial Court.

4.Based on the above observations, the learned Judicial Magistrate, Tiruchendur is directed to issue a certified copy of Judgment in S.T.C.No.488 of 2018, dated 08.06.2023 to the petitioner immediately.

5.Accordingly, this Criminal Original Petition stands disposed of. Consequently, connected miscellaneous petition is closed.

13.10.2023

NCC : Yes/No
Index : Yes / No
Internet: Yes/ No
PNM



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To

The Judicial Magistrate, Tiruchendur

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G.ILANGOVAN, J.

PNM

ORDER IN
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and CrI.M.P(MD)No.14530 of 2023

13.10.2023