



Crl.O.P.(MD) No.19918 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **07.11.2023**

CORAM:

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

Crl.O.P.(MD)No.19918 of 2023

Karunakaran

... Petitioner

Vs.

Ramesh

... Respondent

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to set aside the docket order dated 10.10.2023 in unnumbered C.A.SR.No.7338 of 2023 (CNR.No.TNTJ010100722023) passed by the learned Principal Sessions Judge, Thanjavur and issue a direction directing the learned Principal Sessions Judge, Thanjavur, to take number the appeal and suspension of sentence petition on file, filed by the petitioner and consequently, proceed with the case in accordance with law within the stipulated time.

For petitioner : Mr.C.Padma Raj



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ORDER

This criminal original petition has been filed to set aside the docket order dated 10.10.2023 in unnumbered C.A.SR.No.7338 of 2023 (CNR.No.TNTJ010100722023) passed by the learned Principal Sessions Judge, Thanjavur and issue a direction directing the learned Principal Sessions Judge, Thanjavur, to take and number the appeal and suspension of sentence petition on file, filed by the petitioner and consequently, proceed with the case in accordance with law within the stipulated time.

2.The petitioner was convicted and sentenced to undergo one year simple imprisonment by the trial Court. Apart from that he was also directed to pay the cheque amount of Rs.1,00,000/-, by the Judgment and sentence dated 22.09.2023 in S.T.C.No.257 of 2022. On the date of the above said judgment, the petitioner failed to appear. Hence, warrant was issued against him. Thereafter, against the above said judgment he has filed an appeal before the Principal Sessions Judge, Thanjavur, in C.A.SR.No.7338 of 2023. That came to be returned stating that this is not maintainable, since warrant is issued against the petitioner. Challenging the above said return order, this petition has been filed on the ground that without



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going into the other aspects and without hearing the petitioner, it was simply returned.

3.The maintainability of the petition ought to have been decided by the appellate Court on its judicial side by giving opportunity to the petitioner, in the light of the order passed by this Court in Crl.O.P.(MD).No.14924 of 2023, dated 25.08.2023. Let the above said petition be represented before the appellate Court, namely the Principal Sessions Court, Thanjavur. The learned Principal Sessions Judge, Thanjavur, shall take cognizance of the matter and decide the same on its judicial side by giving opportunity to the petitioner. Registry is directed to return the petition filed by the petitioner, under proper acknowledgement, enabling him to represent the same before the appellate Court.

5.Accordingly, this criminal original petition stands disposed of and the docket order dated 10.10.2023 in unnumbered C.A.SR.No.7338 of 2023 (CNR.No.TNTJ010100722023) passed by the learned Principal Sessions Judge, Thanjavur, is hereby set aside.

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Index : Yes/No

Internet : Yes/No

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To

- 1.The Principal Sub Judge, Thanjavur.
- 2.The Judicial Magistrate, (Fast Track Court), Thanjavur.



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G.ILANGOVAN. J.

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