



Crl.R.C.(MD)Nos.122 & 123 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 08.02.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.R.C.(MD)Nos.122 & 123 of 2024

and

Crl.M.P(MD)Nos.1428 & 1430 of 2024

Amutha

.. Petitioner in both cases

Vs.

Pakkirisamy

... Respondent in both cases

COMMON PRAYER : Criminal Revision Cases are filed under Sections 397 r/w 401 of the Criminal Procedure Code, to call for the entire records pertaining to the judgment dated 30.06.2023 passed by the III Additional District Judge, Thanjavur @ Pattukottai in C.A.Nos.97 & 98 of 2022 confirming the judgment dated 30.08.2022 passed by the Fast Track Court (Magisterial Level) Pattukottai,



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Thanjavur District in S.T.C.Nos.72 & 73 of 2021 and set aside the same by allowing the Criminal Revision Cases.

In both cases

For Petitioner : Mr.R.L.Dhilipan Pandian

For Respondent : Mr.Surulirajan

for Mr.S.Deenadhayalan

ORDER

Challenging the judgment passed by the learned III Additional District Judge, Thanjavur @ Pattukottai in C.A.Nos.97 & 98 of 2022, dated 30.06.2023, the present Criminal Revision Cases have been filed by the petitioner.

2. The learned counsel for the petitioner submits that the petitioner is the accused in S.T.C.Nos.72 & 73 of 2021, on the file of the learned Judicial Magistrate, Fast Track Court, Pattukottai and the said case was ended in conviction. Against which, the petitioner has



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preferred a Criminal Appeal in C.A.No.97 & 98 of 2022, on the file of the learned III Additional District Judge, Thanjavur @ Pattukottai. However, the learned III Additional District Judge, Thanjavur @ Pattukottai dismissed the appeal, on the ground of non-appearance of the petitioner. Aggrieved over the same, the present Criminal Revision Cases have been filed by the petitioner.

3. The learned counsel for the petitioner submitted that due to non-appearance of the counsel due to his personal inconvenience, for which, it cannot be held against the petitioner and the petitioner is ready to pay reasonable costs to the hardship faced by the respondent /complainant.

4. The learned counsel for the respondent submitted that the matter was dismissed on the ground of non-appearance by the petitioner and her counsel and hence, this Court may set aside the order with reasonable costs and dispose the same on merits.



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5. Heard the learned counsel appearing on either side and perused the materials available on record.

6. Considering the facts and circumstances of the case and also taking note of the fact that without providing any opportunity to the petitioner to contest the appeals on merits, C.A.Nos.97 & 98 of 2022 was dismissed for non-prosecution, which is not sustainable in law and it is against the principles of natural justice. Hence, on the said sole ground of sufficient opportunity being not given, the present impugned order is set aside and the matter is remanded back to the learned III Additional District Judge, Thanjavur @ Pattukottai, to consider the matter afresh, on condition that the petitioner pays a sum of Rs.5,000/- (Rupees Five Thousand only) in each cases totalling to Rs.10,000/- (Rupees Ten Thousand only) to the respondent towards costs by way of demand draft, within a period of two weeks from the date of receipt of a copy of this order and produce the same before the



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concerned Court. After receipt of the proof, the learned III Additional District Judge, Thanjavur @ Pattukottai, is directed to restore the Criminal Appeals on file and to hear the petitioner as well as the respondent and dispose the Criminal Appeals on merit and in accordance with law.

7. With these directions, these Criminal Revision Cases are disposed of. Consequently, connected miscellaneous petitions are closed.

08.02.2024

Index : Yes / No

Internet : Yes / No

NCC : Yes / No

RM

Copy to

1.The III Additional District Judge,
Thanjavur @ Pattukottai



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M.DHANDAPANI, J.

RM

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