



CRL MP(MD). No.6905 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Civil Appellate Jurisdiction

Wednesday, the Tenth day of July Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL MP(MD). No.6905 of 2024

in

CRL OP(MD)No14346 of 2024

Syed Munawar Hussain

Rep by His General Power of Attorney

N.Mohammed Khan

... Petitioner/Petitioner

Vs

Mohammed Ali

... Respondent/Respondent

Prayer in CRL MP(MD). No.6905 of 2024

Criminal Miscellaneous Petition filed under section 525 of BNSS and 482 of Cr.p.c to Restore the CrI.O.P.(MD).No.14346/2022 ordered dt 13.03.2024 on the file of this Honourable Court which was dismissed for non prosecution and thus render justice.

Prayer in CRL OP(MD). 14346/ 2022 :

Criminal Original Petition filed under section 482 of Cr.p.c to call for the records pertaining to the private complaint in CC No.236/2022 on the learned Judicial Magistrate IV, Tirunelveli and quash the same allowing this Criminal Original Petition.



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ORDER:- This Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.PA.Elanthamil Arvalan, Advocate for the Petitioner this Court made the following order:

The petitioner has filed an application to quash the proceedings in C.C.No.236 of 2022 which is pending as against the petitioner.

2.The said application was entertained by this Court on 10.08.2022 and this Court has granted interim stay for the proceedings which is pending as against C.C.No.236 of 2022. Thereafter, the case was listed for hearing on 06.03.2022 and there was no representation on behalf of the petitioner. Therefore, the case was adjourned to 13.03.2024, under the caption “for dismissal”. Even on 13.03.2024, there was no representation on behalf of the petitioner. Therefore, the said petition was dismissed for non-prosecution.

3.The present petition is filed on 02.07.2024, to restore the CrI.O.P.(MD) No.14346 of 2022 on the following ground:

5. I further state that the Criminal Original Petition was dismissed for default on 13.03.2024. I respectfully submit that when the CrI.OP.(MD).No. 14346/202) was listed on



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06.03.2024 and 13.03.2024, due to Certain reasons my counsel could not present himself when the matter was called and therefore the quash Petition was dismissed for non prosecution. The non appearance of the advocate neither intentional nor wanton and it is only due to certain personal difficulties for the advocate which disabled him to appear before the court when the matter was called. Hence, this petition to restore the CrI.M.P.

4.This Court is not satisfied with the reason stated in the affidavit filed in support of this petition. Accordingly, the Criminal Miscellaneous petition is dismissed.

Sd/-

Assistant Registrar (C.S.III)

// True Copy //

/09/2024

Sub Assistant Registrar
(CS-I , II , III, IV)

Indu

TO

The Judicial Magistrate IV,
Tirunelveli .



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ORDER DATED : 10/07/2024

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ORDER
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CRL MP(MD). No.6905 of 2024
in
CRL OP(MD)No.14346 of 2022

Giving direction and etc.
as stated within.

SL(04.09.2024)/ 4P/ 2C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.