



Crl.R.C.No.1373, 1382 and 1384 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 07.04.2025

Coram:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.R.C.Nos.1373, 1382 and 1384 of 2023
and

Crl.M.P.Nos.15821, 15822 and 15823 of 2023

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1. Indian Track,
Rep. by its Proprietor R.V.Narmadha
having office at No.D.14, Mullai Street,
Brindhavan Nagar, Koyambedu,
Chennai-600 107.
 2. R.V.Narmadha,
Proprietor of India Track,
having office at No.D.14, Mullai Street,
Brindhavan Nagar, Koyambedu,
Chennai-600 107. .. Petitioners in all the revision petitions
- Vs.
- | | |
|----------------------|--|
| Sowmiya Ravichandran | .. Respondent in Crl.R.C.No.1373 of 2023 |
| S.Raghavan | .. Respondent in Crl.R.C.No.1382 of 2023 |
| N.Ravichandran | .. Respondent in Crl.R.C.No.1384 of 2023 |

Criminal Revision Case No.1373 of 2023 filed under Section 397 read with Section 401 Cr.P.C. to call for the records pertaining to the judgment dated 07.02.2022 in Crl.A.No.38 of 2018 on the file of the Principal Sessions Court, Chengalpattu and judgment dated 26.07.2018 in C.C.No.463 of 2016 on the file

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of the Judicial Magistrate, Fast Track Court, Alandur.

Criminal Revision Case No.1382 of 2023 filed under Section 397 read with Section 401 Cr.P.C. to call for the records pertaining to the judgment dated 07.02.2022 in Crl.A.No.39 of 2018 on the file of the Principal Sessions Court, Chengalpattu and judgment dated 26.07.2018 in C.C.No.464 of 2016 on the file of the Judicial Magistrate, Fast Track Court, Alandur.

Criminal Revision Case No.1384 of 2023 filed under Section 397 read with Section 401 Cr.P.C. to call for the records pertaining to the judgment dated 07.02.2022 in Crl.A.No.40 of 2018 on the file of the Principal Sessions Court, Chengalpattu and judgment dated 26.07.2018 in C.C.No.465 of 2016 on the file of the Judicial Magistrate, Fast Track Court, Alandur.

For revision petitioners in all Crl.R.Cs : M/s.R.C.Varsha

For respondent in all Crl.R.Cs : M/s.S.Harinyi

COMMON ORDER

Criminal Revision Case No.1373 of 2023 filed under Section 397 read with Section 401 Cr.P.C. to call for the records pertaining to the judgment dated 07.02.2022 in Crl.A.No.38 of 2018 on the file of the Principal Sessions Court, Chengalpattu and judgment dated 26.07.2018 in C.C.No.463 of 2016 on the file of the Judicial Magistrate, Fast Track Court, Alandur.

2. Criminal Revision Case No.1382 of 2023 filed under Section 397 read

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with Section 401 Cr.P.C. to call for the records pertaining to the judgment dated 07.02.2022 in Crl.A.No.39 of 2018 on the file of the Principal Sessions Court, Chengalpattu and judgment dated 26.07.2018 in C.C.No.464 of 2016 on the file of the Judicial Magistrate, Fast Track Court, Alandur.

3. Criminal Revision Case No.1384 of 2023 filed under Section 397 read with Section 401 Cr.P.C. to call for the records pertaining to the judgment dated 07.02.2022 in Crl.A.No.40 of 2018 on the file of the Principal Sessions Court, Chengalpattu and judgment dated 26.07.2018 in C.C.No.465 of 2016 on the file of the Judicial Magistrate, Fast Track Court, Alandur.

4. The main contention of the learned counsel for the revision petitioners is that the revision petitioners were not given an opportunity of hearing to advance their arguments. Without being heard, the first appellate Court delivered orders in the respective criminal appeals and therefore, the revision petitioners have filed the present revision petitions before this Court..

5. It is seen from the records that Exs.A-1 and A-2 (receipts) were filed in C.C.Nos.463, 464 and 465 of 2016 on the file of the Judicial Magistrate, Fast Track Court, Alandur and after contesting the matter, the trial Court found the



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revision petitioners guilty and convicted and ordered compensation in the respective cases. Challenging the same, the revision petitioners had filed Criminal Appeals before the first appellate Court and after filing of the appeals, according to the revision petitioners, they were arrested in the other case and were in custody and due to that, the revision petitioners could not engage any counsel to advance their arguments. Therefore, they have to be given an opportunity of fresh hearing and only thereafter, the first appellate Court can pass the judgment on merits.

6. From the order of the first appellate Court, it is seen that the revision petitioners have actually been heard. The learned counsel for the respondents submitted that the revision petitioners have not filed any proof to show that pending the criminal appeals before the first appellate Court, they were arrested in some other case(s) and were in custody. However, the main contention of the revision petitioners is that they have not been given an opportunity to advance their arguments. The adjudication orders reveal that the revision petitioners' arguments were not heard.

7. Therefore, in the interest of justice and in order to give sufficient opportunity to the revision petitioners herein, the impugned judgments of the

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first appellate Court are set aside on condition that the revision petitioners shall deposit 20% of the compensation amounts, on or before 24.04.2025. The matter is remitted back to the first appellate Court and the first appellate Court is directed to hear the matter afresh on merits and in accordance with law and dispose of the criminal appeals.

8. It is made clear that failing to deposit 20% of the compensation amounts, the present revision petitions shall stand dismissed automatically, without any further reference to this Court. On such deposit, the revision petitioners shall file proof/receipt for depositing the 20% of the compensation amounts and only on production of receipt/proof, the first appellate Court is directed to hear the Criminal Appeals afresh before 28.04.2025 and dispose of those Criminal Appeals on merits and in accordance with law, on or before 29.04.2025.

9. With the above observations/directions, the present revision petitions are disposed of. The miscellaneous petitions are closed.

10. List the present revision petitions on 30.04.2025 in the caption "for reporting compliance".

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Office to note: Issue order copy by 15.04.2025

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To

1. The Principal Sessions Judge, Chengalpattu.
2. The Judicial Magistrate, Fast Track Court, Alandur, Chennai.
3. The Section Officer, Criminal Section (Records Wing), High Court, Madras.

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P.VELMURUGAN, J

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