



WEB COPY

CRL A No. 338 of 2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-10-2025

CORAM

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

CRL A No. 338 of 2022

J.Lickmisanth

S/o Jeshraj, No.3, Balakrishna Nagar,
Mannargudi, Thiruvaur District.

Appellant(s)

Vs

S.Packirisamy

S/o Subbaiah Pillai, National Auto
Consulting, 882/11 Periyar Evera
Highway, Flowers Road, Hotel Abi
Palace Backyard, Poonthamalli Road,
Chennai.

Respondent(s)

Prayer: This Criminal Appeal has been filed under Section 378 and 382 of the Criminal Procedure Code, to set aside the order of acquittal passed in favour of the Respondent/Accused in C.C.No.171 of 2002, dated 27.09.2018 on the file of Judicial Magistrate, Mannargudi No.1.



For Appellant(s): Mr.Swami Subramanian

For Respondent(s): S.Arivazhagan

ORDER

This CC is of the year 2002 and by the judgement dated 27.09.2018, the case was dismissed for default. The matter was pending for execution of warrant, since steps were not taken, the complaint was dismissed for default.

2.The counsel appearing on behalf of the appellant would submit that on several occasions steps were taken and it was not the default of the appellant/complainant.

3.Be that as it may, upon service of the notice, the accused has already entered appearance through counsel. The warrant, if any, issued against the accused stands recalled. The order dismissing the CC.No.171 of 2002 for default dated 27.09.2018 is set aside and CC.No.171 of 2002 is restored to the file of the Judicial Magistrate No.1, Mannargudi. Both sides shall appear before the Magistrate on 10.11.2025. It is made clear that if the complainant or his counsel do not appear, the case can be dismissed for default once again and it



will not be restored thereafter. If the accused does not appear on that day, fresh warrant will be issued and it will be executed immediately. Therefore, it is for the accused to appear before the learned Magistrate on the same day. Even if there is some inconvenience, he can also be represented through a counsel by filing a petition and thereafter, on an adjourned date, he can appear before the trial court, so that the trial can continue from the stage of PW1 cross and the case shall be disposed of as expeditiously as Possible.

4.The Criminal Appeal is disposed of on the above terms.

29-10-2025

Tsg

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No



CRLA No. 338 of 2022



To

1. The Judicial Magistrate No.1,

Mannargudi.

2. The Public Prosecutor,

Madras High Court.



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**D.BHARATHA
CHAKRAVARTHY J.**

Tsg

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